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PRIVATE AND LOCAL LAWS

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR

EIGHTEEN HUNDRED AND FIFTY-FIVE.

PUBLISHED BY AUTHORITY.

MADISON:

CALKINS & PROUDFIT, PRINTERS

1855.

MAY 2 6 1976

LIST OF OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of laws hereafter published the names and residence of the several State Officers, the Senators, and Members of the Assembly, and the Presiding Officers, and Clerks of both branches of the Legislature, at the time of the passage of such laws."—*General Laws* 1854, *Chapter* 94.

NAMES AND RESIDENCE

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS, AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
Wm. A. Barstow,	Governor,	Waukesha,	Waukesha
Edward M. Hunter	Private Sec'y of Gov'r	Madison	Dane
James T. Lewis	Lieut. Governor	Columbus	Columbia
Alexander T. Gray	Secretary of State	Janesville	Rock
John W. Hunt	Asst. do	Madison	Dane
Edward H. Janssen,	State Treasurer	Mequon River	Ozaukee
Daniel M. Seaver	Asst. do	Madison	Dane
Geo B. Smith	Attorney General	do	do
Hiram A. Wright	State Superintendent.	Prairie du Chien	Crawford
Samuel G. Stacy	Asst. do	Madison	Dane
Wm. M. Dennis	Bank Comptroller	Watertown	Jefferson
A. Menges	Dep'y do	Madison	Dane
A. W. Starks	State Prison Com'r	Waupun	Dodge
August Kruer	State Librarian	Madison	Dane

NAME.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
John Q. Adams	Senator	Fall River	Columbia
Coles Bashford	do	Oshkosh	Winnebago
E. B. Bowen	do	Mayville	Dodge
Charles Clement	do	Racine	Racine
Amasa Cobb	do	Mineral Point	Iowa
Nelson Dewey	do	Lancaster	Grant
Charles Dunn	do	Cottage Inn	La Fayette
Charles A. Eldredge	do	Fond du Lac	Fond du Lac
William J. Gibson	do	Black River Falls	Jackson
H. H. Giles	do	Stoughton	Dane
B. G. Gill	do	Grafton	Ozaukee
L. P. Harvey	do	Shopiere	Rock
D. Howell	do	Jefferson	Jefferson
Jackson Hadley	do	Milwaukee	Milwaukee
Edwin B. Kelsey	do	Montello	Marquette
Joseph Loy	do	Green Bay	Brown
Edward McGarry	do	Milwaukee	Milwaukee
F. Paddock	do	Salem	Kenosha
James Rolfe	do	Jackson	Washington
J. D. Reymert	do	Denoon	Waukesha
James Sutherland	do	Janesville	Rock
David Taylor	do	Sheboygan	Sheboygan
T. H. West	do	Monroe	Green
E. Wakeley	do	Whitewater	Walworth
D. Worthington	do	Summit	Waukesha
S. G. Abbott	Member of Assembly.	Verona	Dane
E. Adams	do	Yorkville	Racine
Geo. Allen	do	Linn	Walworth
C. P. Barns	do	Burlington	Racine
James Bennett	do	Manitowoc	Manitowoc
Henry Blaizer	do	Mequon	Ozaukee
Joseph Bond	do	Mukwonago	Waukesha
John Boyd	do	Calumet	Fond du Lac
Luther Cary	do	Green Bush	Sheboygan
Reuben Chase	do	Wauwatosa	Milwaukee
W. Cole	do	Bee Town	Grant
Samuel G. Colley	do	Beloit	Rock
J. B. Cross	do	1st Ward Milwaukee	Milwaukee
R. H. Davis	do	Baraboo	Sauk
M. K. Delaney	do	Barton	Washington
Edwin Dewolf	do	Milwaukee	Milwaukee
D. L. Downs	do	Richmond	Richland
Jas. H. Earnest	do	New Diggings	La Fayette
Wm. H. Ebbetts	do	Fond du Lac City	Fond du Lac
Thomas Falvey	do	Racine	Racine
Wm. W. Field	do	Fenimore	Grant
A. Filer	do	Racine	Racine
James Fisher	do	Prairie du Chien	Crawford
George Gary	do	Oshkosh	Winnebago
John Gibb	do	Ixonia	Jefferson
Joseph Goodrich	do	Milton	Rock
B. F. Goss	do	Pewaukee	Waukesha
I. E. Goodall	do	4th Ward Milwaukee	Milwaukee
Harvey Grant	do	Tichora	Marquette

NAMES.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
W. Grant	Member of Assembly.	Hebron	Jefferson
John D. Griffin	do	Shields	Dodge
Smith R. Gunn	do	Prescott	Pierce
B. R. Harrington	do	Byron	Fond du Lac
S. P. Hollenbeck	do	Highland	Iowa
Daniel Hooper	do	Troy	Walworth
N. B. Howard	do	Magnolia	Rock
William Hull	do	Potosi	Grant
Willard Isham	do	Delavan	Walworth
Philander Judson	do	Bristol	Kenosha
N. M. Juneau	do	Theresa	Dodge
Amos D. Kirkpatrick	do	Dayton	Green
Peter Lavis	do	Greenfield	Milwaukee
Levi Lee	do	Elkhorn	Walworth
John Love	do	Mineral Point	Iowa
Morgan L. Martin	do	Green Bay	Brown
Walter D. McIndoe	do	Wausau	Marathon
F. G. Merriam	do	Lake Mills	Jefferson
A. Merrell	do	Charlestown	Calumet
Fred. Moscowitz	do	Milwaukee	Milwaukee
Jonathan Mosher	do	Stoughten	Dane
Edward O'Neil	do	Milwaukee	Milwaukee
Y. W. Parker	do	Metomen	Fond du Lac
Samuel Pratt	do	Spring Prairie	Walworth
Wm. H. Ramsey	do	Port Washington	Ozaukee
Alexander W. Randall	do	Waukesha	Waukesha
Q. B. Ribble	do	Horicon	Dodge
Patrick Rogan	do	Watertown	Jefferson
Samuel R. Rood	do	Packwaukee	Marquette
S. L. Rose	do	Beaver Dam	Dodge
John Ruan	do	Oak Creek	Milwaukee
Joliet Schwefel	do	Lebanon	Dodge
Joseph Schrage	do	Sheboygan	Sheboygan
J. M. Sherman	do	Burnett	Dodge
B. Smith	do	Erin	Washington
Perry H. Smith	do	Appleton	Outagamie
Chase A. Stevens	do	La Crosse	La Crosse
A. Taylor	do	Hazel Green	Grant
W. R. Taylor	do	Cottage Grove	Dane
George P. Thompson	do	Cross Plains	Dane
Absalom A. Townsend	do	Shullsburg	La Fayette
Alfred Topliff	do	Columbus	Columbia
A. H. Van Norstrand	do	Jefferson	Jefferson
Levi B. Vilas	do	Madison	Dane
N. H. Virgin	do	Platteville	Grant
Jesper Vliet	do	Milwaukee	Milwaukee
Solomon Wakeley	do	Whitewater	Walworth
Stephen Warren	do	Delafield	Waukesha
E. S. Welch	do	Neenah	Winnebago
W. T. Whirry	do	Shoneaw	Columbia
Joseph White	do	Cottage Inn	La Fayette
Geo. H. Williston	do	Janesville	Rock
C. C. Sholes, Speaker	do	Kenosha	Kenosha

PRESIDING OFFICERS AND CLERKS.

NAME.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
James T. Lewis	President of the Senate	Columbus	Columbia
Charles C. Sholes	Speaker of Assembly	Kenosha	Kenosha
Samuel G. Bugh	Chief Cl'k of Senate	Shullsburg	La Fayette
Wm. Pitt Dewey	Asst. do	Lancaster	Grant
David Atwood	Chief Cl'k of Assembly	Madison	Dane
N. M. Donaldson	Asst. do	Waupun	Fond du Lac

PRIVATE AND LOCAL LAWS

OF THE

STATE OF WISCONSIN.

Chapter 1.

An Act to incorporate the Madison Gas Light and Coke Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Madison Gas light and Coke company—incorporation of.

SECTION 1. Leonard J. Farwell, Simeon Mills, Julius P. Atwood, Francis G. Tibbits, David Atwood, Henry Parkins, Samuel Marshall, N. W. Dean, B. F. Hopkins, Levi B. Vilas, David J. Powers, and their associates, be and are hereby created a body politic and corporate, with perpetual succession, by the name and style of the "Madison Gas Light and Coke Company," and by that name, they and their successors shall be capable in law, of contracting and being contracted with, sueing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full power to acquire, hold and occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension, and usefulness of the work of said company, and for the proper management and good government of the same; and they may have a common seal, and the same may be altered and renewed at pleasure.

Corporation to have power to manufacture and sell gas.

SEC. 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any and all of the substances, or a combination thereof, from which inflammable gas can be obtained, and to be used for the purpose of lighting the village or city

of Madison, Wisconsin, or the streets and public park thereof, also, all buildings, public and private, therein contained, and erect all the necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in and along any of the streets or avenues of said village or city. The real estate which this corporation is entitled to hold, shall not exceed in value fifty thousand dollars.

Amount of capital stock.

SEC. 3. The capital stock of said company shall not exceed two hundred thousand dollars, to be subscribed for, and paid in such proportion as shall be prescribed by the by-laws and rules regulating the concerns of said company.

Property, &c., to be managed by a board of directors.

SEC. 4. The property and concerns of said corporation shall be managed and conducted by a board of seven directors. L. J. Farwell, J. P. Atwood, N. W. Dean, Levi B. Vilas, David Atwood, B. F. Hopkins and David J. Powers, shall be the first directors of said corporation and shall continue in office until others shall be chosen. The first election of directors shall be held on the second Monday in October, 1857, and annually thereafter in the village or city of Madison, at 1 o'clock, P. M., of said day. But if it shall at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such manner as shall be provided for in the by-laws of said corporation. Said corporation shall have the exclusive privilege of supplying the village or city of Madison and its inhabitants with gas, for the purpose of affording light, for fifteen years from the completion of said works.

Time of holding elections.

Directors shall have power to appoint offic'rs and agents.

SEC. 5. The directors of said corporation shall have power to appoint such officers and agents as they may deem necessary, and prescribe their duties, and take the necessary bonds for the faithful performance thereof; and may from time to time adopt such by-laws and regulations for the business of said corporation as they may deem expedient; such by-laws and regulations not to be inconsistent with the constitution and laws of the United States or of this State.

SEC. 6. This act shall be in force and take effect from and after its passage.

Approved, January 17, 1855.

Chapter 2.

An Act to extend the time for collecting taxes in the town of Brookfield in the county of Waukesha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for collecting taxes in the town of Brookfield, Waukesha county, is hereby extended twenty days beyond the time now required by law; and the treasurer of said town shall have the same right to levy on property, and sell the same, within said term so extended, as is now allowed by law for such purposes. Time extended for collecting taxes in Brookfield.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 17, 1855.

Chapter 3.

An Act to extend the time for the collection of taxes in the county of Oconto.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time by law limited for the collection of taxes and return thereof, by the Treasurer, is hereby extended for the county of Oconto, to the third Monday of March next. Time extended for collecting taxes in Oconto county.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 17, 1855.

Chapter 4.

An Act to extend the time for the collection of Taxes in the town of Beloit, in Rock County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for collecting taxes in the town of Beloit in the county of Rock is hereby extended to thirty Time extended for collecting taxes in Beloit.

days beyond the time now required by law. And the treasurer of said town shall have the same right to levy on property, and sell the same within said time so extended as is now allowed by law for such purposes.

SEC. 2. Nothing in the preceeding section shall be construed to extend the time for paying over to the county treasurer the amount due from said town on state tax.

SEC. 3. This act shall take effect from and after its passage.

Approved, January 17, 1855.

Chapter 5.

An Act to amend an act entitled "an to incorporate the City of Racine, in the State of Wisconsin.

The People of the state of Wisconsin represented in Senate and Assembly do enact as follows:

Treasurer of the city of Racine authoriz'd to appoint a deputy.

SECTION 1. Each and every treasurer of the city of Racine, in the county of Racine, is hereby authorized and empowered to appoint, under his hand, some suitable person as deputy, for whose acts and doings such treasurer and his sureties shall be liable in his official bond, which said appointment shall be filed in the office of the city clerk of said city, and may be revoked in writing at any time by said treasurer.

SEC. 2. In case of the death, absence or inability of said treasurer to perform the duties of his said office, said deputy may perform all the duties appertaining to said office.

SEC. 3. All acts and parts of acts contrary to the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

Approved January 17, 1855.

Chapter 6.

An Act to repeal an act entitled an act to authorize the county of Kenosha, and the towns therein, through which the Kenosha and Beloit Railroad passes, to aid in its construction.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the act entitled an act to authorize the county of Kenosha, and the towns therein through which the Kenosha and Beloit railroad passes to aid in its construction, approved, February 13, 1854, is hereby repealed. Act repealed.

SEC. 2. This act shall take effect, and be in force from and after its passage.

Approved, January 25, 1855.

Chapter 7.

An Act relating to the Society connected with the Scandinavian Evangelical Lutheran Church of the Fifth Ward, in the City of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the society connected with the Scandinavian Evangelical Lutheran Church of the Fifth Ward in the City of Milwaukee, are hereby authorized to bond and mortgage the lot and church belonging to said society, for the sum of one thousand dollars or under with such interest not exceeding twelve per cent. per annum, and the money thus secured by said bond and mortgage shall be applied by said trustees in paying off the indebtedness of said society for the erection of said church and for the completion of the same. Trustees of Scandinavian Evan. Lutheran church authorized to mortgage their property.

SEC. 2. This act shall take effect from and after its passage.

Approved January 25, 1855.

Chapter 8.

An Act to extend the time for the collection of Taxes in the town of Highland, in the County of Iowa, to the third Monday in March next.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended for collecting taxes in the town of Highland.

SECTION 1. That the time for the collection of taxes in the town of Highland, in the county of Iowa, is hereby extended to the third Monday in March next.

Approved January 25, 1855.

Chapter 9.

An Act to amend an act entitled an act to incorporate the Packwaukee Bridge Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. amended.

SECTION 1. Section four of chapter seventy of the session laws of one thousand eight hundred and fifty-one, shall be amended to read as follows: Said bridge shall not be less than twelve feet wide, and shall be constructed with a draw over the most navigable part of said lake, not less than forty-five feet wide; and the said company shall attend said draw so as to permit boats and vessels to pass through the same at all times, free of charge, and without unnecessary delay.

Approved January 25, 1855.

Chapter 10.

An Act to amend an act entitled an act to incorporate the Sheboygan and Calument plank road company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. amended.

SECTION 1. Section one of the act of which this act is amendatory, is hereby amended so as to read as follows: "William Kastner, Cyrus P. Hiller, Charles Zægel, Hen-

ry Bodenstab, Henry Dryer, Rudolph Krause, Jacob Schonider, Samuel Goodell and John Marygold, are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Sheboygan and Calumet plank road company, and they may cause books to be opened at such times and places as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving ten days' notice of the times and places of receiving such subscriptions, by publishing a notice of the same in some newspaper printed and published in the city of Sheboygan."

SEC. 2. Section one of the act of which this act is amendatory, and section one of chapter three hundred and five, of the private and local acts of the legislature of Wisconsin, passed in the year eighteen hundred and fifty-four, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 25, 1855.

Chapter 11.

An Act to authorize the levying of a special tax in the third and fourth wards of the city of Watertown.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To levy a special tax in the city of Watertown.

SECTION 1. The mayor and city council of the city of Watertown are hereby authorized and empowered to levy a special tax, (in addition to any tax now authorized by law to be levied and collected in said city,) not exceeding two per centum on the assessed valuation of property in the third and fourth wards of the city of Watertown, for the year 1854.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, January 29, 1855.

Chapter 12.

An Act authorizing the laying out of a State road from Fountain city to Chippewa Falls.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To lay out a state road.

SECTION 1. That Peter Belmer and Henry Heartsaugh, of Buffalo county, and H. S. Allen, of Chippewa county, be, and they are hereby appointed commissioners to survey and lay out a state road from the village of Fountain City, on the Mississippi river in Buffalo county, on the most feasible route, to Chippewa Falls on the Chippewa River, in Chippewa county.

When said road shall be laid out.

SEC. 2. That said commissioners shall proceed to survey and lay out said road on or before the first day of January, A. D., 1857, and complete the same, on or before the first day of January, A. D., 1858, and on the completion thereof, to be filed and recorded in the office of clerk of the Board of supervisors of the counties through which the said road shall have been laid out.

Expenses of survey to be paid by the counties of Chippewa and Buffalo.

SEC. 3. That the expenses of the survey and location of road shall be paid in equal proportions by the counties of Chippewa and Buffalo, to be audited and apportioned by the circuit judge in whose circuit said counties shall then be, and the said judge is hereby authorized, and required to receive from those interested an account of said expenses, and allow a reasonable sum to defray the same, which allowance he shall immediately certify to the said counties.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, January 29, 1855.

Chapter 13.

An Act authorizing the laying out of a state road therein mentioned.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To lay out a state road.

SECTION 1. Henry F. Balitz, Henry Dryer and Charles Boch are hereby appointed commissioners to lay out and

establish a state road from some point in the town of Herman, in the county of Sheboygan, to be fixed by said commissioners, to Menasha, in the county of Winnebago.

SEC. 2. The expense of laying out and establishing such road, shall be paid by the counties through which the same shall pass, in proportion to the length of road in each county.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, January 29, 1855.

Chapter 14.

An Act declaring portion of the Waumandee river or Eagle creek a public highway and navigable.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Waumandee River or Eagle Creek, from its mouth, in the county of Buffalo, for the distance of two miles or more, to the mills and dam lately erected and owned by Messrs. Gearke & Binder upon said river, be and is hereby declared a public highway and a navigable stream. Waumandee river declared a navigable stream.

SEC. 2. That this act shall not prevent the erection of bridges across said stream, pursuant to the provision of statute: *Provided*, That no bridge or bridges shall be constructed across said stream, which shall in any way obstruct the free navigation thereof. Proviso.

SEC. 3. This act shall take effect from and after its passage.

Approved, January 29, 1855.

Chapter 15.

An Act to vacate a part of town plat of the village of Manitowoc.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To vacate town plat.

SECTION 1. All that part of the original plat of the village of Manitowoc, situated and being in the north east quarter, and the south west fractional quarter of section numbered nineteen (19,) town nineteen (19,) north of range twenty four (24,) is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 29, 1855.

Chapter 16.

An Act to Incorporate the Wisconsin Female College.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Wisconsin Female College—incorporation of.

SECTION 1. That George W. Freeman, C. B. Lewis, O. J. Dearborn, William Sanderson, Dr. Kendrick, J. W. Davis, Benj. Ferguson, R. A. Fyfe, Oliver Ashley, William E. Smith, Jhhn Booth, L. E. Schuyler, L. C. Draper, C. S. Wright, J. T. Lewis, their associates and successors, be and are hereby constituted a body corporate by the name of Wisconsin Female College. The said corporation shall have power to sue and be sued; to adopt and use a common seal, and alter the same at pleasure; to acquire, hold and dispose of real and personal property, for the benefit of the said college, not exceeding fifty thousand dollars in value.

Where located.

SEC. 2. That the location of the aforesaid college shall be at the village of Fox Lake, in the county of Dodge.

Names of trustees.

SEC. 3. That G. W. Freeman, C. B. Lewis, O. J. Dearborn, William Sanderson, and their associates herein named be, and are hereby appointed trustees of the said corporation, with power to fill any vacancies occasioned by

death, removal, expiration of term of office, or neglect of official duty for more than one year; seven of whom shall be a quorum for the transacrion of business.

Number of trustees.

SEC. 4. The said board of trustees shall consist of not less than nine (9), nor more than fifteen (15) members, who shall be divided into five classes, to be determined by lot at the organization of the board, one of which classes shall go out of office every year, and in their stead others elected to serve five years. The first meeting of the board shall be held at such time and place as may be designated in a call signed by a majority of the corporate members, and afterward they shall meet on their own adjournment, and also in the manner prescribed in the by-laws, which the board are hereby authorized to establish as rules for conducting the business of the corporation: *Provided*, They conform to the laws of this state and of the United States.

Time of meeting of board.

Proviso.

Trustees shall appoint professors and teachers.

SEC. 5. That the aforesaid board of trustees shall appoint such professors and other teachers as they may deem necessary, subject to removal by a majority of the votes of all the members of the board. They shall also have power to appoint an executive committee, consisting of the presiding officer of the college, the secretary and treasurer of the board and four directors, for the transaction of all ordinary business, subject to the by-laws, and the approval of the board. They may also establish such rules and regulations to maintain discipline in the institution as they may deem proper, subject to the laws of this state and of the United States.

To adopt rules and regulati'ns

College may confer literary testimonials, &c.

SEC. 6. That the said college may, in conformity with the laws in force, in this state, at the time, confer such literary testimonials, honors, degrees, and diplomas as are usually granted by similar corporations in the United States, which shall entitle the possessors to all the privileges and immunities, allowed by usage or statute, to the possessors of similar diplomas from any college or seminary in this state.

SEC. 7. That the said college shall be subject to the same legal visitations and regulations, and to the same extent as other female colleges in the state.

SEC. 8. The Wisconsin baptist education society is hereby authorized to make such arrangement with said college for the transfer of any part of the property of said society, either absolutely or conditionally, to the said college, as the said society shall deem proper.

SEC. 9. That this act shall be in force from and after the time of its passage.

Approved January 29, 1855.

Chapter 17.

An Act to extend the time for collecting taxes in the town of Wauwatosa, in county of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended for collecting taxes in Wauwatosa.

SECTION 1. The time for collecting taxes in the town of Wauwatosa in the county of Milwaukee, is hereby extended thirty days beyond the time now prescribed by law. And the town clerk of the said town of Wauwatosa, is hereby authorized and directed to make out and annex to the assessment roll of said town a new warrant for the collection of all taxes remaining unpaid on said assessment roll, in due form of law, and the treasurer of said town shall have the same right to levy on property and sell the same within the time so extended, as is now allowed by law for such purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 31, 1855.

Chapter 18.

An Act to extend the time for collecting taxes in the city of Kenosha, Kenosha county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended for collecting taxes in Kenosha.

SECTION 1. The time for collecting the taxes in the city of Kenosha, Kenosha county, is hereby extended to the first Monday in the month of March next, and the treasurer of said city shall have the same right to levy on property, and sell the same within said term so extended, as is now allowed by law for such purposes.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 29, 1855.

Chapter 19.

An Act to extend the time for the collection of taxes in the town of Waukesha, Waukesha county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for collecting the taxes in the town of Waukesha, Waukesha county, is hereby extended thirty days beyond the time now required by law, and the treasurer of said town shall have the same right to levy on property, and sell the same within said time so extended, as is now allowed by law for such purposes. Time extended for collecting taxes in Waukesha.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 29, 1855.

Chapter 20.

An Act to extend the time for collecting taxes in the town of Viroqua, Bad Ax county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for collecting the taxes in the town of Viroqua, Bad Ax county is hereby extended thirty days beyond the time now required by law, and the treasurer of said town shall have the same right to levy on property, and sell the same, within said time so extended, as is now allowed by law for such purposes. Time extended for collecting taxes in Viroqua.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 29, 1855.

Chapter 21.

An Act to extend the time for the collection of taxes in the town of Beaver Dam, in the county of Dodge.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended for collecting taxes in Beaver Dam.

SECTION 1. The time for collecting the taxes in the town of Beaver Dam, in the county of Dodge, is hereby extended twenty days beyond the time now required by law, and the treasurer of said town shall have the same right to levy on property, and sell the same within said time so extended, as is allowed by law for purposes of collecting taxes.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 29, 1855.

Chapter 22.

An Act to provide for a special assessment and collection of taxes in the town of Lewiston and county of Columbia.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Town assessor of Lewiston authorized to assess property

SECTION 1. The town assessor of the town of Lewiston, in the county of Columbia, is hereby authorized and empowered to make out an assessment roll of all the taxable personal property and real estate therein, and appraise the same in the manner now prescribed by law.

When to be completed.

SEC. 2. The assessor shall complete the assessment roll of said town in the manner now prescribed by law, and certify and deliver the same to the town clerk of said town on or before the first day of March, A. D., 1855.

SEC. 3. The town clerk of said town, within ten days after the delivery of the assessment roll as provided by section two of this act, shall calculate and carry out the amount of taxes chargeable to said town, in the manner prescribed by section 50, chapter fifteen of the revised statutes.

SEC. 4. Upon the completion of the assessment roll, the town clerk, within six days thereafter, shall deliver to the treasurer of said town, a certified statement as provided in section forty-eight, of chapter fifteen of the revised statutes, and shall in all things complete said assessment roll in the manner prescribed by law, and shall make out a fair copy of the same, and deliver to the town treasurer of said town together with the warrant of collection as provided by sections fifty-one and fifty-two of chapter fifteen of the revised statutes. Town clerk to make certified statement to treasurer.

SEC. 5. The town treasurer upon receiving the tax list and warrant, shall proceed to collect the taxes therein mentioned, and make return, in all things in the manner prescribed by law, within thirty days after the said tax list and warrant are placed in his hands. Town treas'r to collect tax.

SEC. 6. This act shall in no wise interfere with the manner or time of making assessments, or the collection of taxes in the said town, except as herein provided.

SEC. 7. This act shall take effect from and after its passage.

Approved, January 29, 1855.

Chapter 23.

An Act to extend the time for the collection of taxes in the city of Janesville.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for collecting taxes in the city of Janesville, in the county of Rock, is hereby extended fifteen days beyond the time now required by law, and the treasurer of said city shall have the same right to levy on property and sell the same within said time so extended as is now allowed by law for such purposes. Time extended for collecting taxes in Janesville.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 29, 1855.

Chapter 24.

An Act to amend Section 7, of an act entitled an act to incorporate the Manitowoc and Calumet plank road company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. amended. SECTION 1. Section 7, of an act, entitled "an act to incorporate the Manitowoc and Calumet plank road company," etc., approved, Feb. 9, 1850, is hereby amended by extending the time of limitation in said Section 7, to ten years.

SEC. 2. Such part or parts of Sec. 7, of the aforesaid act as conflict with the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, January 31, 1855.

Chapter 25.

An Act to extend the time for the collection of taxes in the town of Madison, Dane county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended for collecting taxes in Madison. SECTION 1. The time for collecting taxes in the town of Madison, in the county of Dane, is hereby extended to thirty days beyond the time now required by law. And the treasurer of said town shall have the same right to levy on property and sell the same within said time so extended as is now allowed by law for such purposes.

SEC. 2. Nothing in the preceding section shall be construed to extend the time for paying over to the county treasurer, the amount due from said town on state tax.

SEC. 3. This act shall take effect from and after its passage.

Approved, January 31, 1855.

Chapter 26.

An Act to amend an act entitled an act to incorporate the "Portage City and Lake Superior Railroad Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SEC. 1. It shall be the duty of said company, in addition to the fences required to be built by section fifteen of the act to which this is amendatory, to construct a good and sufficient fence on each side of their entire road, before operating the same, or as soon thereafter as practicable, and in the estimate of damages in settling or procuring the right of way, by appraisal or legal proceedings, the cost of fencing said road shall not be included in the estimate of damages. Act amended.

SEC. 2. Section nine of said act is hereby so amended that said company shall have power and is hereby authorized to lay out, locate, construct, and operate their said road from some convenient point at or near the depot of the Milwaukee and Mississippi Railroad, in the village of Madison to Portage City, thence to Lake Superior, as designated in said section nine.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 31, 1855.

Chapter 27.

An Act to incorporate the Wisconsin Baptist Education Society.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That R. A. Fyfe, H. J. Parker, L. E. Schuyler, D. D. Read, M. D. Miller, J. W. Fish, P. Conrad, James Delaney, Anthony Case, G. W. Freeman, N. E. Chapin, their associates and successors, be and are hereby constituted a body corporate by the name of the Wisconsin Baptist Education Society, for the promotion of general and sacred learning. The said corporation shall Wis. Baptist education society—incorporation of

have perpetual succession, with power to sue and be sued, to adopt a common seal and alter the same at pleasure, to acquire, hold and dispose of real and personal property, for the benefit of said society, not exceeding five hundred thousand dollars in value.

Corporation may make constitution, &c.

SEC. 2. That the aforesaid corporators, their associates and successors may from time to time make such constitution, by-laws, ordinances and regulations for the election of officers, the government of the institutions of learning under their charge, the management of their property, and all their affairs, as they shall deem proper: *Provided*, they conform to the constitution and laws of this state, and of the United States.

Proviso.

Declared a public act.

SEC. 3. That this act be declared public, and the same be construed in all courts and places benignly and favorably for every beneficial purpose therein intended, and that no misnomer, in any deed, gift, grant, demise or other instrument of contract or conveyance shall vitiate or defeat the same: *Provided*, the society be sufficiently described, to ascertain the intention of the parties; and *further provided*, the said society shall not appropriate its funds, or any part thereof to any purpose or purposes not herein intended or contemplated.

Proviso.

SEC. 4. That this act take effect from and after the time of its passage.

Approved, January 31, 1855.

Chapter 28.

An Act to incorporate the Wayland University.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Wayland university—Incorporation of.

SECTION 1. That Absalom Miner, H. I. Parker, R. A. Tyfe, Charles Gifford, J. F. Westover, J. R. Doolittle, O. O. Stearns, William Otis, J. H. Budd, M. D. Miller, John Childs, A. E. Green, D. D. Read, Peter Conrad, S. Cornelius, jun., A. Lull, P. Work, James Crawther, A. Case, S. L. Rose, W. Farrington, J. W. Robinson, N. E. Chapin, J. W. Fish, E. L. Harris, J. H. Dudley, M. B. Williams,

E. D. Underwood, James Delany, Norman Clinton, J. I. Waterbury, their associates and successors, be and are hereby constituted a body corporate by the name of Wayland University. The said corporation shall have perpetual succession, with power to sue and be sued; to adopt and use a common seal, and alter the same at pleasure; to acquire, hold, and dispose of real and personal property, not exceeding five hundred thousand dollars in value, for the benefit of said University; to make and establish by-laws, rules and regulations for conducting the business and affairs of the corporation, not inconsistent with any law of this State. Said corporation shall possess all the powers and privileges usually held and exercised by college and university corporations.

Where located.

SEC. 2. The location of the aforesaid university shall be at the village of Beaver Dam, in the county of Dodge.

Names of trustees.

SEC. 3. That A. Miner, H. I. Parker, R. A. Tyfe, Chas. Gifford, J. F. Westover and their associates herein named, are hereby appointed trustees of the said corporation, with power to fill any vacancies occasioned by death, removal, expiration of term of office, or neglect of official duty for more than one year, thirteen of whom shall be a quorum for the transaction of business.

No. of trustees

SEC. 4. That said board of trustees shall consist of not less than fifteen nor more than thirty-one members, who shall be divided into five classes, to be determined by lot at the organization of the board, one of which classes shall go out of office every year, and in their stead, trustees shall be elected to serve five years. The first meeting of the board shall be held at such time and place as may be designated in a call signed by a majority of the corporate members, and afterward they shall meet on their own adjournment, and also as prescribed in the by-laws.

Time of meeting of board.

Trustees shall appoint professors, &c.

SEC. 5. That the aforesaid board of trustees, shall appoint such professors and other teachers as they may deem necessary, subject to a removal by a majority of the votes of all the members of the board. They shall also have power to appoint an executive committee, consisting of the president of the university, the secretary and treasurer of the board, and eight directors, for the transaction of all ordinary business under the direction of the by-laws, and subject to the approval of the board. They shall also have power to establish such regulations to maintain discipline in the institution as they may deem proper, subject to the laws of this State and of the United States.

Shall establish rules and regulations.

May confer literary testimonials, &c.

SEC. 6. That the said university may, in conformity to the laws in force in this State at the time, confer such literary testimonials, honors, degrees, and diplomas, as are usually granted by similar corporations in the United States, which shall entitle the possessor to all the privileges and immunities, allowed by usage or statute to the possessors of similar diplomas from any college or seminary in this State.

SEC. 7. That this university shall be subject to the same legal visitations and regulations, and to to the same extent, as other colleges in the State.

SEC. 8. That the Wisconsin Baptist Education Society is hereby authorized to make such arrangements with said university, for the transfer of the property of said society or any part thereof, either absolutely or conditionally, to the said university, as the said society shall deem proper.

SEC. 9. That this act shall take effect from and after its passage.

Approved, January 31, 1855.

Chapter 29.

An Act to Incorporate the Howard and Oconto County Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Howard and Oconto county Plank Road company—incorporation of.

SECTION 1. Robert J. Jones, George A. Sayer, L. L. Pierce, Jesse H. Levensworth, Henry Bently, John D. Gardner, T. B. Gardner, Huff Jones and Richard Flisit are hereby created a body corporate by the name, style and description of the Howard Oconto county plank road company, with perpetual succession, and by that name shall be and are hereby made capable in law to purchase, hold, enjoy, retain to them and their successors, lands, tenements, hereditaments, so far as may be necessary for the purpose of constructing a plank road as hereinafter set forth, and the same to lease, sell, grant, or in any manner dispose of; to contract and be contracted wih; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use a com-

mon seal, the same to alter or renew at pleasure, and generally may do and perform all and singular the acts and matters which to any corporation shall lawfully appertain, to do and perform for the well being of said corporation.

Amount of capital stock.

SEC. 2. The capital stock of said corporation shall be one hundred and fifty thousand dollars, and shall be divided into shares of twenty-five dollars each, and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for securing subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscription, which books shall be opened within twelve months from the passage of this act at such place or places as they may deem expedient and so soon as three hundred shares shall be subscribed for, the said corporation shall be authorized to proceed to a full and complete organization.

Books of subscription to be opened.

Corporators to give notice of time of elect'n of directors.

SEC. 3. The said corporators or a majority of them after said three hundred shares of stock shall have been subscribed as aforesaid, shall give notice of the time and place of meeting of the stockholders, for the purpose of electing seven directors: who shall hold their office until their successors are elected; and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting, being given by the directors then in being, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said corporators above named, upon the subscription of three hundred shares of stock, and the organizing of said corporators, by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, shall be taken and held to have began, and be completed as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of corporators acting in the capacity of directors, the board shall have power to fill such vacancy.

Proviso.

Affairs of company to be managed by directors.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders in person or by proxies duly authorized, and in all elections and in all discussions of all questions acted upon at any meeting of the stockholders each share of stock shall be entitled to one vote, and the majority of votes cast shall govern, except in election where the seven persons having the greatest number of votes cast for directors shall be declared duly elected.

Majority of directors shall constitute a quorum.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security, respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure: they shall also have power to make all necessary and proper by-laws rules and regulations for the management of company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers all of which by-laws not inconsistent with the constitution and laws of the state, when duly recorded in the books of the company shall be effectual and binding upon the members of said company and all persons interested therein as if the same formed a part of this act of incorporation.

Shall have power to make by-laws, &c.

To decide time and manner of payment of installments.

SEC. 6. The said board of directors shall have power to decide the time and manner in which said stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon for failure to pay such installments as may be called for, and also to accept in behalf of the company a relinquishment of any stock subscribed and executed to the person or persons relinquishing to the same, valid releases, discharging them from all liabilities thereafter, for or on account of the act of said company or its officers.

Shal have powe to regulate tolls.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company with any person or persons as the execution and management of the work and the convenience and interest of the company may require, and may issue to each stockholder a certificate or certificates for the share or shares which he, she or they may subscribe for, stating in the body of such certificate the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which said certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

SEC. 8. The said company shall have power to locate and construct a single or double track road from the town of Howard, in Brown county, to Big Suamico, Sargus and

Gardener's Mills, Little Suamico, Gardener and Pierce Mills on the Pensuchey, Jones' Water Mill on the Oconto, to Jesse H. Levensworth, on the Pesheteco, and to Hall and Bently's Mills on the Menomonee River, in Oconto county.

Company shall have power to enter upon any lands.

SEC. 9. It shall and may be lawful for said company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage; and when said route shall be determined by said company, it shall be lawful for them, their agents, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be neccessary for the company to obtain gravel and stone, or to make excavations and embarkments for the construction of said road, the company may locate the route of said road, not to exceed four rods in width; and they may also cut down such trees on each side of such road as may endanger said road by falling or otherwise.

Proviso.

Jury to be summoned in certain cases.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purposes thereof, or for the compensation to be paid therefor, or when by absence or legal incapacity of the owner or owners, no such agreement or purchase can be made therein, and in any such case, it shall be lawful for any justice of the peace to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of seven freeholders of said county, not interested in said property, to meet the said justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant: and if at the time and place named, and of the persons so summoned, do not attend, the said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance as jurors to furnish a pannel of seven jurors and from them the said company, and the owner or owners of the property to be valued their agent or attorney or either of them, and if they

are not present in person, or by attorney, the sheriff or constable shall for him, her or them, strike off each two of said jurors and the remaining three shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them on oath or affirmation that they will faithfully and impartially value the land and materials required for such road and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners according to the best of his skill and judgment whereupon the said justice and jurors shall proceed to view the said land or material so required and to hear the evidence of the respcetive parties, which the said justice shall reduce to writing, which shall be signed by the said justice of the peace, and the verdict of the jurors thereon shall be singed by the jurors or a majority of them, and by the justice of the peace, and the said justice of the peace shall, within five days thereafter transmit the same to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundries of land in question, and the value thereof as aforesaid, and such valuation when paid, together with costs of such inquisition, or tender to the owner or owners, or deposited with said court shall entitle the said company to the estate and interest in the same, thus valued as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, That it shall not be lawful for the said justice or jury of inquest to proceed in such valuation of any such property or material, in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had had at least five days' notice of the time and place of meeting for the purpose of making such valuation or unless it shall in like manner be shown that such owner or owners are under age or *non-compes-mentis*, or absent from the county in which such land is situated, such service of notice may be made upon the guardian or trustee, the same restrictions as in the case of owners or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any

Shall make oath.

Proviso.

Proviso.

party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

SEC. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities; and of such width and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town the right to take and use any part of any public highway in such town, for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor, every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of said town; and such compensation and damages, when paid to the supervisors shall be expended by them in improving the highways of such town, and they may erect toll gates and exact toll from persons travelling on their road whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine one cent per mile, and for every score of net cattle four cents per mile: *Provided*, Persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals shall be exempt from toll. The toll gatherer at each gate when erected on said road, in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll, until the toll thereon is paid.

Proviso.

Proviso.

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security (subject) to the approval of said board of directors; and upon acceptance of such security from said stockholders, or any of them, the subscription of such stockholders shall be considered as paid, and certificate of stock shall be issued to said stockholder in the same manner as if he had paid in

Directors may receive security for stock.

the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscriptions to said stock in securities aforesaid, to contract and to pay to said company, interest at the rate of twelve per centum per annum for a period not exceeding ten years; and to execute to said company by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them or any of them in the same manner as if the same were made payable to individuals, or to their order or assigns.

Penalty for damages to road.

SEC. 13. If any person shall wilfully or knowingly obstruct, brake, or injure or destroy the said road to be constructed by said company, or any part thereof, or any work, building, or fixtures attached to, or in use upon, the same, belonging to said company, such person or persons so offending shall each of them, for every such offence be liable to a civil suit for the recovery of damages by said company, by an action of trespass in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 14. Any person who shall wilfully brake down any gate on such road, which may have been erected in pursuance of this act, or do any damagae to said road, or forcibly or fraudently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal, turn out said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall, for each offence, forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages.

Directors may increase capital stock.

SEC. 15. The directors of said company at any annual or special meeting of the stockholders with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such section as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

SEC. 16. If said corporation should not within three years from the passage of this act commence the construction of said plank road and expend two thousand dollars or more

thereon, then the rights, privileges and powers of the said corporation under this act shall be null and void.

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended and the same is hereby declared to be a public act, and copies thereof, printed by authority of the state shall be received as evidence thereof.

Approved February 2, 1855.

Chapter 30.

An Act granting the right to keep and maintain a ferry across the Wisconsin River.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Stephen Davenport, his heirs, executors or assigns, shall have the exclusive right and privilege of keeping and maintaining a ferry across the Wisconsin River, on section twenty five, in township seventeen, north of range four, east of the fourth principal meridian. Right granted to keep a ferry.

SEC. 2. Such ferry shall be subject to such regulations as other ferries according to law, in the manner in which license ferries shall be kept and attended.

SEC. 3. The said Stephen Davenport to receive for crossing said ferry, for every vehicle drawn by two horses, oxen or mules, fifty cents; for every vehicle drawn by one horse twenty-five cents; for each head of cattle, horses or mules, ten cents: *Provided*, that hogs or sheep shall not be charged more than five cents each. Proviso.

SEC. 4 This act shall take effect from and after its passage.

Approved, February 2, 1855.

Chapter 31.

An Act to amend an act, entitled "an act to incorporate the city of Sheboygan." approved, March 19, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. amended

SECTION 1. Section 2 of an act, entitled "an act to incorporate the city of Sheboygan," approved, March 19, 1853, is hereby amended so as to read as follows: "The territory included within the following boundaries and limits, shall constitute the city of Sheboygan, to wit: Beginning on the shore of lake Michigan, where it is intersected by the section lines, dividing sections eleven and fourteen, of township fifteen north, of range twenty-three east; running thence west along said line to the north-west corner of the north east quarter, of section fifteen, in said township and range; thence south, following the north and south quarter lines, of sections fifteen, twenty-two and twenty-seven, to the south-west corner of the south-east quarter, of section twenty-seven, in said township and range; thence east on the section line, between sections twenty-seven and thirty-four, and sections twenty-six and thirty-five, to the shore of lake Michigan; thence on a line parallel with the last mentioned line east, into lake Michigan one mile; thence north to a point in lake Michigan, directly east of the place of beginning; thence west to the place of beginning."

Change of boundary of Sheboygan.

SEC. 2. The west half of sections fifteen, twenty-two and twenty-seven, in township fifteen north, of range twenty-three east, are hereby constituted a part of the town of Sheboygan, in the county of Sheboygan, and the boundaries of said town of Sheboygan are hereby changed so as to include the said territory.

SEC. 3. All taxes heretofore levied, assessed or imposed upon the lands described in the second section of this act by the city of Sheboygan, under the act of which this is amendatory, and which remain unpaid, shall be in all respects collected in the same manner as though this act were not passed.

SEC. 4. So much of section two, of the act of which this act is amendatory, and all other parts of said act which conflict with the provisions of this act, are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved, February 2, 1855.

Chapter 32.

An Act authorizing the town of Benton, in La Fayette county, to make out a new assessment roll in said town for the year 1854.

Whereas, the assessment roll, in and for the town of Benton, in the county of La Fayette, after it had been equalized and corrected by the board of supervisors of the said county, has been lost, in its transit to the clerk of the town board of said town of Benton; and whereas, the said town of Benton was required to collect on said assessment roll so equalized and corrected, the sum of two hundred and sixty-four dollars and ten cents, state tax, and the sum of six hundred and eighteen dollars and eighty one cents county tax. Therefore,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the board of supervisors of said town of Benton, be, and they are hereby authorized, and positively required, by order of their said board, to direct the assessor of said town to make out a new assessment roll of the value of property, real and personal, therein, owned by the inhabitants of said town, and lying and being therein on the first day of June last.

Supervisors of the town of Benton authorized to make out new assessment roll.

SEC. 2. That the said town assessor shall, immediately upon receiving notice of said order, a copy of which shall be served on him by the clerk of said town, and shall be sufficient notice, proceed to re-assess said property described in the first section, and as nearly as he can from memory, and such information as can be supplied from other sources, make the assessment the same as by him made and returned in the said lost assessment roll, and make the same accord with the equalization made and ordered by the said board of supervisors of said county, at their last annual meeting in November, 1854, so that the said sum of two hundred and sixty four dollars and ten cents state tax, and the said sum of six hundred and eighteen dollars, eighty-one cents county tax, shall be collected on the new assessment roll, so by him made. And within the ten days after receiving said notice, the said assessor shall complete and return said new assessment roll to the said town clerk.

Assessors shall re-assess property.

SEC. 3. That upon the receipt of said new assessment roll, by the said town clerk, he shall within ten days per-

form the duties required of him by sections fifty, fifty-one, fifty-two and fifty-three, of chapter fifteen of the revised statutes, concerning the assessment and collection of taxes. And within the ten days mentioned in this section any one whose property has been assessed may apply to said town clerk, and have the assessment of his property reduced, if too high, and the description of his land corrected as provided in said chapter fifteen.

Treasurer shall collect tax.

SEC. 4. That the town treasurer of said town of Benton, shall immediately after receiving said new asssessment roll, and the warrant annexed, proceed and collect the taxes specified and extended in said roll, with the per cent. for collection, and pay over the said state and county tax, by him collected, and make return of his delinquent list, to the county treasurer of said county within twenty days. The delinquent taxes specified in said list to be collected by said county treasurer, as other delinquent taxes are now collected by law.

SEC. 5. This act shall take effect and be in force from and after its passage and publication, and the state printer shall publish the same immediately after its passage.

Approved, February 2, 1855.

Chapter 33.

An Act to authorize the laying out of a State Road from Section three, Township nineteen, Range eight in Trempeleau county, to Chippewa River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To lay out a state road.

SECTION 1. That Benjamin B. Healy, Benjamin F. Heuston and George Gale be, and they are hereby appointed commissioners to lay out and establish a state road from section three, in township nineteen, range eight in Trempeleau county, intersecting the state road on said section, thence running in a northerly direction across Trempeleau river near the mouth of Pigeon creek, to intersect the road running from Black River Falls to Chippewa River, at or near Buffalo river,

SEC. 2. A majority of said commissioners shall constitute a quorum to do business, and before laying out said road the said commissioners shall cause a copy of this act with a notice of the time and place of the meeting of said commissioners, to be published in some newspaper in Trempeleau county, or in the village of La Crosse, for two successive weeks, which publication shall be sufficint notice to all persons interested in the laying out and establishment of said road. Majority of commissioners sh'll constitute a quorum.

SEC. 3. The said commissioners shall be entitled to a reasonable compensation for their services and expences in viewing add laying out said road, to be allowed by the board of supervisors of the county of Trempeleau, and payed out of the county treasery, *Provided*, No part of said expences shall be paid by the state. Compensation of commissioners. Proviso.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approaed, Feburary 5, 1855.

Chapter 34.

An Act to authorize the laying out of a state road from Galesville to Eaton's Mills.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That George Gale, Allen M. Bedwell and Hugh Wedge, be and they are hereby appointed commissioners to lay out and establish a state road from Galesville, the county seat of Trempeleau county, through the valley of Beaver Creek and Trempeleau River, to Eaton's Mills, in the county of Clark. To lay out a state road.

SEC. 2. A majority of said commissioners shall constitute a quorum to do business, and before laying out said road the said commissioners shall cause a copy of this act, with a notice of the time and place of meeting to be published in some newspaper published in either of said counties, or in the village of La Crosse, for two successive weeks, which notice shall be sufficient notice to all persons interested, of the laying out and establishment of said road. Qrorum.

Compensation. SEC. 3. The said commissioners shall be entitled to a reasonable compensation for their services and expenses in viewing and laying out said road, to be allowed by the board of supervisors of the several counties through which said road may pass, to be paid out of the treasury of such counties: *Provided*, That no part of said expenses shall be paid by the state.

Proviso.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, February 5, 1855.

Chapter 35.

AN ACT to incorporate the Salem Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Salem academy. SECTION 1. That Thomas Tenney, Horace Butricke, William Munson, Daniel Wallis, Hiram S. Munson, Arthur Penney, Edwin Munson, Alanson Orton, Lemuel Booth, Eleazer S. Ingalls, Johnson Bliss, Harrison Robbins, Jacob Down, E. Dwight Robbins, Agustin G. Hibbard, John Tuttle, David B. Bunham, Isaac Brown and their successors, be, and hereby are created a body politic and corporate, to be styled; "The board of trustees of the Salem Academy," and by that name to remain in perpetual succession with full powers to sue, and be sued; to plead and be impleaded; to acquire, hold and convey property, real and personal, to have, and use a common seal, to alter and renew the same at pleasure; to make, and alter from time to time such lawful regulations, as they may deem necessary for the government for said Academy, its officers, and servants; and to have power to confer on those whom they deem worthy, all such honors and degrees, as are usually conferred in like institutions, *Provided*, that the real and personal estate to be held by this corporation shall not exceed the sum of fifty thousand dollars.

Proviso.

Location. SEC. 2. That the said Academy, shall be located in the town of Salem, county of Kenosha, State of Wisconsin, upon such grounds as the trustees shall select. The object of

the institution shall be to afford instruction in English Literature, in the ancient and modern languages, in mathematics and the natural sciences in the art of teaching, and the application of science to agriculture and the mechanic arts. Object of institution.

SEC. 3. That the board of trustees, shall have power to appoint a president, secretary and treasurer, and such agents as they may deem necessary, and shall fill all vacancies as they may occur in their own body, by resignation, death, or neglect for more than one year to attend to the duties of trustee; also to appoint such officers, professors and teachers, as the institution and government of the institution shall require, and prescribe their duties, and remove any of them for sufficient reasons: also to prescribe and direct the course of study, to be pursued in the institution and its departments. Board of trustees.

SEC. 4. That the board of trustees, shall consist of fifteen, with power to increase to eighteen, a majority of whom shall constitute a quorum to do business. Said Board of trustees shall hold their first annual meeting, the last Tuesday in April 1855, and afterwards they shall meet on their own adjournment, but in case of any special business, the president with the concurrence of two trustees, may call a meeting or any five members of the board may call a meeting, by giving public notice of the same, at least six days before the time of such meeting. Number of trustees.

SEC. 5. That the board of trustees shall faithfully apply all funds by them collected or received, according to their best judgment, in erecting suitable buildings, supporting the necessary officers, instructors, and servants, in procuring books and apparatus necessary to the success of the institution. *Provided, nevertheless*: That in case any donation or bequest be made for particular purposes, which accord with the design of the institution, and the corporation shall receive and accept the same; every donation or bequest thus made shall be applied in conformity to the conditions or designs expressed by the donor. Proviso.

SEC. 6. That the trustees of the corporation, shall always, and all other agents when required, before entering upon the duties of their appointment, give bond, for the security of the corporation, and of the public, in such penal sum, and with such sureties as the corporation shall approve.

SEC. 7. That the said institution shall be open to all denominations of christians, and the profession of any religious faith shall not be required of those who become

students. Any person, however may be suspended or expelled from said institution, whose habits are idle or vicious, or whose moral character is bad.

Approved, February 6, 1855.

Chapter 36.

An Act to incorporate the Janesville Collegiate Institute.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Creat'd a body corporate.

SECTION 1. Hiram Foote, Orin Densmore, Wm. A. Lawrence, S. A. Martin, J. J. R. Pease, J. H. Budd, J. B. Crosby, Thomas Armstrong, E. L. Harris, J. F. Willard, Andrew Palmer, O. N. Gorton, W. H. Douglass, O. J. Dearborn, G. S. Dodge, and their successors shall be, and they are hereby created and constituted a body politic and corporate, to be styled "The Janesville Collegiate Institute," to remain in perpetual succession, and shall be trustees of said corporation until their successors are duly elected and qualified; the design and purpose of said corporation being to found, establish and maintain in the city of Janesville, an institution of science, literature, and learning of the highest order, embracing an academical and preparatory department of instruction.

Number of trustees.

SEC. 2. That the board of trustees shall consist of twenty-one members—one of whom shall be chosen to act as president of the board, until a collegiate faculty shall have been duly chosen, and organized as hereinafter provided, then the president thereof shall be ex-officio the twenty second trustee, and president of the board. The trustees shall be divided into three classes, seven in each class, and the office of the trustees of the first class shall expire at the time of the first annual meeting of the board thereafter, and the office of trustees of the second class, shall expire at the time of the second, and the office of trustees of the third class, at the time of the third annual meeting of the board; and the office of the trustees of one class shall expire annually thereafter in rotation. The board shall have power at any annual meeting to reduce the num-

ber of trustees to not less than fifteen, to be classified in the same manner as above provided.

SEC. 3. The first meeting of the board of trustees shall be held at such time and place as may be designated in a call, signed by a majority of the corporate members, of which due notice shall be given by publishing the same for two weeks previous thereto, printed in said city, and afterwards during the year, on their own adjournment and in such manner as may be prescribed by the by-laws of said board. The trustees shall appoint at their first meeting an annual meeting of said board within one year thereafter, and at each annual meeting, the time and place of the annual meeting of the board for the next subsequent year, shall be appointed until the time of the annual meetings of the board shall be established by the by-laws of said corporation, and a majority of members of the board of trustees when duly assembled pursuant to call or adjournment shall constitute a quorum for the transaction of business, and any less number may adjourn from time to time. All meetings of the board shall be held in the city of Janesville, at such place as a majority shall deem proper. Meeting of trustees.

SEC. 4. The board of trustees may open books for the purpose, and receive such subscriptions, donations, bequests and endowments as may be offered, and in such manner as they may deem necessary to carry out the objects of the institution. And any person who shall have made any such subscription, donation, bequest or endowment, which has been received by the board, may institute any proper proceedings in any court to inquire into the manner in which said board has executed its trust or to prevent or remedy a violation thereof. Subscription books may be opened.

SEC. 5. The buildings of this institution shall be located in the city of Janesville, at such place as the board of trustees may select. Location.

SEC. 6. The board of trustees shall have power in their corporate name to sue and be sued, to plead and be impleaded, contract and be contracted with, and to have and use a common seal, which they may alter at pleasure, to acquire, hold, use and convey property, real, personal and mixed, and the same to sell, rent, lease or otherwise dispose of at pleasure for the purpose of education, and no other: *Provided*, the amount of real estate owned by said corporation shall at no time exceed twenty thousand dollars, exclusive of the building and land used and occupied by said institution for school and collegiate purposes; to see Corporate power of trustees. Proviso.

that every donation, subscription and bequest made to the institution, be applied in conformity with the conditions on which the same was made; to make all necessary by-laws for the due order of their own affairs, and for the government of the institution; to fill all vacancies in their own bodies, which may from time to time occur; to remove members of their own body for long continued neglect of duty; to confer such degrees and other honors upon those whom they deem qualified, and worthy to receive the same, as are usually conferred by similar institutions in the United States; to elect a president who shall be chief executive officer of the institution, and head of the collegiate faculty; to elect such professors, tutors, teachers and other officers, as in their opinion the interest of the institution may demand; to define the duties of all officers thus elected, and on sufficient cause to suspend or remove them from office; to determine the amount of all salaries paid or to be paid by the institution; to regulate the course of instruction, and prescribe the books, authorities and appartus to be used in the various departments, and to have such further general powers not herein specified, and not inconsistent with the letter and spirit of this act, as are granted to coporations, under the name of general provisions, in chapter fifty-four of the revised statues of this state.

SEC. 7. No religious test shall ever be required from any officer, teacher or student, nor shall any sectarian doctrine ever be taught therein.

Election of trustees.

SEC. 8. At each annual meeting, trustees shall be elected to fill the vacancies caused by the classification, limitation, or any other cause, to serve three years, or if elected, to fill a vacancy caused by the death, resignation or expulsion of any trustee, to serve the remainder of the term for which such trustee was elected.

SEC. 9. This act shall be liberally construed for the purposes therein contemplated, and may be altered or amended by any further legislature.

SEC. 10. This act shall take effect from and after its passage.

Approved, February 6, 1855.

Chapter 37.

An Act to authorize the city of Green Bay to pay the subscription to the capital stock of the Green Bay and Depere plank road, subscribed by the borough of Green Bay to said road, by their committee Baron S. Doty, D. Cooper Ayres and George O. Haywood.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Green Bay and Depere plank road company.

SECTION 1. The mayor and common council of the city of Green Bay are, from and after the passage of this act, authorized and empowered to issue the bonds of the said city, payable to the Green Bay and Depere plank road company, of five hundred dollars each, payable in twenty years from the date thereof, drawing interest at the rate of eight per cent. per annum, payable semi-annually, in payment of the sum of twenty thousand dollars, subscribed by the president and trustees of the borough of Green Bay, by their committee, Baron S. Doty, D. Cooper Ayers and George O. Haywood, to the capital stock of the said Green Bay and Depere plank road company.

SEC. 2. The said bonds accompanied by the proper interest, warrants or coupons, shall be signed by the mayor, and countersigned by the clerk of the said city of Green Bay, and the bonds shall be in the following form, to wit:

FORM OF BOND.

No. *Convertable Bond.*

Form of bond.

CITY OF GREEN BAY,
STATE OF WISCONSIN.

The city of Green Bay acknowledges to be indebted to the Green Bay and Depere plank road company in the sum of five hundred dollars, payable to the order of the president and secretary of said company, at the Bank of New York, on the day of A. D. 18 , and also, interest thereon at the rate of eight per centum per annum, payable semi annually from the date thereof, until the said principal sum shall be paid on the presentation of the proper annexed interest warrant at the said bank; and the said city, also agrees to transfer to the holder hereof at any time before said principal shall fall due, on delivery of this obligation, and of the unpaid interest warrants to the Mayor of said city, twenty shares of twenty-five dollars each in the capital stock of the Green

Bay and Depere plank road company; and the said city further agrees, that this obligation, and all the rights and benefits arising therefrom, may be transferred by the endorsement on the back of this obligation, the names of the said president and secretary of the said Green Bay and Depere plank road company, and do hereby waive all benefits from any stay, valuation or appraisement law.

In testimony whereof, the said mayor and common council, have caused to be affixed the seal of the city of Green Bay, and caused these presents to be subscribed by the mayor and countersigned by the clerk of said city, this day of A. D. eighteen hundred and fifty-

Mayor.

Attest: Clerk.

I, Mayor of the city of Green Bay, do hereby certify that the foregoing obligation is issued in pursuance of an act of the legislature of the state of Wisconsin. Approved day of A. D. eighteen hundred fifty- entitled "an act to authorize the city of Green Bay, to pay the subscription to the capital stock of the Green Bay and Depere plank road company, subscribed by the borough of Green Bay to said road, by their committee Baron S. Doty, D. Cooper Ayers and George O. Haywood.

Mayor.

Tax to be levied.

SEC. 3. It shall be the duty of the said mayor and common council of the said city of Green Bay, to levy a tax yearly upon the real and personal property within the bounds of said city, sufficient to pay the interest on said bonds, according to the tenor and condition thereof, and as directed by section one of this act.

SEC. 4. It shall further be the duty of the said mayor and common council of the said city of Green Bay, to provide for levying a tax upon the real and personal property of the said city for the full payment of the said bonds at their maturity.

Company to issue certificates.

SEC. 5. It shall be the duty of the said company upon the delivering to the secretary thereof the bonds executed as required by the provisions of this act, to the amount of twenty thousand dollars, to issue certificates to the said city of Green Bay of twenty shares, of twenty-five dollars each, in the capital stock of said company, for every bond of five hundred dollars, delivered as aforesaid: *Provided, however*, That the said city of Green Bay, or those who

Proviso.

may represent said city, shall not have the power to cast any vote or votes at any meeting of the directors or stock holders of the said Green Bay and Depere plank road company, until after said bonds have been issued as aforesaid, and delivered to the contractors of said road.

Approved, February 7, 1855.

Chapter 83.

An Act to extend the time for the collection of taxes in the town of Leon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of the taxes for the year 1854, in the town of Leon, in the county of Monroe, is hereby extended to the first Monday of May, 1855. Time for paying taxes extended.

SEC. 2. The treasurer of said town of Leon, is hereby authorized to demand, levy and collect the aforesaid taxes now remaining unpaid, and a return thereof in the premises make as now provided by law. Duties of Treasurer

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, February 10, 1855.

Chapter 39.

An Act to authorize the laying out of a state road, as an extension of the Sheboygan and Fond du Lac territorial road.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. George Williams, Charles Brown and Fayette S. Brown, are hereby appointed commissioners, and as such, authorized to lay out and establish a state road, commencing at the most westerly end of the Sheboygan and Fond du Lac territorial road, and running thence westerly Commissioners appointed

Boundaries of road.

to the west line of section number eleven, of the township of Fond du Lac, in the city of Fond du Lac, at a point exactly opposite the street in the city of Fond du Lac, aforesaid, that runs east and west in point of the Episcopal Church in said city: *Provided however*, That said commissioners are hereby authorized and empowered to lay said road between the points aforesaid, either in a straight line from one of said points to the other, or may make such angles in said road as said commissioners may deem for the public good.

Proviso.

SEC. 2. Said commissioners, or a majority of them, may without the presence or consent of the other, do and perform any act or duty authorized or required by this act. And it is hereby made the duty of said commissioners, as soon as convenient after the passage of this act, to notify in writing, each and every inhabitant on the line of the proposed road, through whose land said road will pass, of the time and place of their meeting, for the purpose of laying out said road; and upon the day thus fixed by them, they shall proceed to lay out the same: *Provided*, That they, the said commissioners, shall have power to adjourn from day to day, or to fix any other day for the purpose aforesaid, as they may think proper.

Duties of commissioners.

Proviso.

SEC. 3. The said commissioners shall cause an accurate survey of said road to be made, and they shall make like order in relation to, and record, of said road in each town through, or in which, the same shall be laid, that is required to be made by chapter sixteen, of the revised statutes, in case of roads laid out by supervisors, except that the order shall only be signed by said commissioners or a majority of them.

Commissioners to make survey and record of road.

SEC. 4. Any person claiming damages from the laying of said road, on, across or through his lands, shall and may have the same adjusted in the same manner, and have the like remedies thereof, as is provided in case of roads laid out by supervisors, by chapter sixteen of the revised statutes and the amendments thereto: *Provided*, That in case said commissioners shall not be able to agree with said claimant, any person interested or disposed to do so, may deposit in any bank of this state, any sum he may choose, subject to such claimants order upon release of all his damages, and if such claimant shall apply for a jury as provided by such statutes, and shall not recover more than said deposit, then such claimant shall be liable for all costs so taxed against him by the justice, according to the rules of taxing costs in the circuit courts of this state.

Proviso.

SEC. 5. The commissioners aforesaid, shall be entitled to one dollar and fifty cents, each per day, for the time they shall be employed, to be paid by the county of Fond du Lac. Fees of commissioners.

SEC. 6. This act shall be published and take effect immediately.

Approved, February 8, 1855.

Chapter 40.

An Act to incorporate the Brockway College in the village of Ripon, Fond du Lac county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ezra L. Northrop, Jedediah Bowen, Jeremiah W. Walcott, Silas Hawley, Dana Lamb, Bertine Pinkney, Charles H. Camp, Harvey Grant, Sherlock Bristol, and the president of the collegiate faculty for the time being, with power to increase their number to fifteen, and their successors, shall be, and they are hereby created a body politic and corporate, to be styled the "Board of trustees of Brockway College," to remain in perpetual succession. The design and purpose of the said corporation being, and the same is hereby declared to be, to found establish and maintain at Ripon, in the county of Fond du Lac, an institution of learning of the highest order. And said trustees may erect any or all the different departments for the study of the liberal professions in such manner as they may think proper. Corporators.

SEC. 2. The board of trustees shall hold its first meeting at Ripon, within three months after the passage of this act and a majority of its members shall in all cases constitute a quorum for the transaction of business. At the first meeting, the trustees shall be divided by lot into three classes, the first and second class to consist of five members each; the third class of four members. They shall then appoint an annual meeting, the first to be held within one year thereafter, at which time, the office of the first class shall expire, and the office of each class shall expire an- First meeting of Trustees. Shall appoint a time for holding annual election.

nually thereafter in rotation, forever.

SEC. 3. The said board of trustees may meet on their own adjournment, and the president, with the concurrence of two of the trustees, or any four trustees, may call a special meeting of the board, by giving notice to them in writing, or otherwise, at least ten days before the time of such meeting.

Powers of Trustees.

SEC. 4. The board of trustees shall have power to elect a president, vice president, secretary and treasurer, who shall be termed the executive committee of said board, and have power to execute all business of the corporation committed to them by the by-laws of the institution or by resolution of the board.

Buildings located.

SEC. 5. The buildings of the institution, shall be located on out lot, No. 4, in the village of Ripon, as the same is laid down and described on a certain map, entitled a Plan of the Village of Ripon, and recorded in the office of the register of deeds for the county of Fond du Lac, or upon other adjacent lands belonging to the institution.

SEC. 6. No religious tenets or opinions shall be required to entitle any person to be admitted as a student of said college.

Powers of trustees.

SEC. 7. The board of trustees shall have full power in their corporate name to sue and be sued; to plead and be impleaded; to have a common seal, which they may alter at pleasure; to acquire, use, hold, and convey property, real and personal; *Provided always*, That the annual income arising from the same, shall never exceed twenty thousand dollars; to see that every donation or bequest made to the institution, be applied in conformity to the condition on which the same is made; to establish and maintain such departments, male and female, as they may deem important for the qualification of teachers, or for instruction in any of the ornamental branches, arts and sciences; to make all necessary by-laws for the due ordering of their own affairs, and for the government of the institution; to fill all vacancies, whether occurring from death, expiration of office, or neglect for one year, to attend the meetings of the board; to confer such degrees and other honors upon those whom they deem qualified and worthy to receive the same, as are usually conferred by the colleges of the United States; to elect a president, who shall be the chief executive officer of the institution, and head of the collegiate faculty; to elect such professors, tutors, teachers, and other officers, as in their opinion the interests of the institution may demand; to define the duties of

all officers thus elected, and on sufficient cause to suspend or remove them from office; to determine the amount of all salaries paid or to be paid by the institution; to regulate the course of instruction and prescribe the books authorities, and apparatus to be used, in the various departments and to have such further general powers, not therein specified, and not inconsistent with the letter or spirit of this act as are granted to corporations under the name of general provisions in chapter 54, of the revised statutes of this state.

SEC. 8. This act shall take effect from and after its passage.

Approved, February 9, 1855.

Chapter 41.

An Act to authorize the town of Baraboo to aid in the erection of a Court House.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town board of supervisors of the town of Baraboo, in the county of Sauk, are hereby authorized and empowered to raise by tax, to be assessed upon the taxable property of said town, the sum of two thousand and five hundred dollars, to be by said town board appropriated towards the erection of a court house in said town. Board authorized to levy tax.

SEC. 2. It shall and may be lawful for the town board of said town, at any time after the passage of this act, to order a town meeting, to be held by giving at least six days notice thereof, in the same manner as is required by law for giving notice of special town meeting, at which time there shall be submitted to a vote of the electors of said town, the question of raising the aforesaid tax, and for that purpose there shall be ballots prepared with the words written or printed, or partially written and partially printed, "For court house tax, yes," or the words written or printed, or partly written and partly printed, the words "For court house tax, no"; and if a majority of the votes so cast, shall be in favor of said tax, the town clerk of said town, shall on or before the first day of May, A. D. 1855, Electors to vote on raising tax. Duties of town clerk.

make out and deliver to the town treasurer of said town a tax list, to be by said clerk made from the last assessment roll of said town, and shall assess upon the taxable property of said town, the sum of two thousand and five hundred dollars, (exclusive of all delinquent tax,) as near as the same can be calculated or ascertained.

Duties of town treasurer.

SEC. 3. It shall be the duty of the town treasurer upon receipt of the aforesaid tax list, to proceed and collect the tax as in said list set forth, in money, and in the same manner as treasurers are by law required to collect and return taxes, and to make return thereof in thirty days from the time said tax list shall come into his hands.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, February 10, 1855.

Chapter 42.

An Act to authorize William Isham, Stephen Finnell and others, to keep and maintain a ferry across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To keep ferry across Wisconsin river.

SECTION 1. That William Isham, Stephen Finnel and others, their heirs, executors, administrators and assigns, shall have the exclusive right for the period of fifteen years; of keeping and maintaining a ferry across the Wisconsin River, commencing at the west line of section numbered three (3,) township numbered eight (8,) north of range numbered two (2,) west of the fourth principal meridian landing on the most convenient point opposite on said river.

SEC. 2. Such ferry shall be subject to such regulations as other ferries are or may be by law subject; fixing the rates of toll in the manner in which licensed ferries shall be kept and determined; and no ferry shall be licensed for four miles above said point of commencing in the first section of this act.

SEC. 3. This act shall take effect from and after its passage.

Approved, February 10, 1855.

Chapter 43.

An Act to vacate a part of the plat of the village of Platteville, Grant county

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That part of the plat of the village of Platteville, in Grant county, designated as block number "forty-one," (41,) is hereby vacated. Block vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 10, 1855.

Chapter 44.

An Act to authorize Molbry Ripley to keep and maintain a ferry across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Molbry Ripley, his heirs, executors administrators and assigns, shall have the exclusive right to keep and maintain a ferry, for the period of fifteen years, across the Wisconsin River; from the south-east quarter of section numbered thirty three (33,) and township numbered nine (9,) north of range numbered one (1,) west of the fourth principal meridian, to the most convenient point opposite on said river Molbry Ripley to keep ferry.

SEC. 2. Such ferry shall be subject to such regulations as other ferries are, or may be by law subject; fixing the rates of toll in the manner which licensed ferries shall be kept and determined; and no ferry shall be licensed within one and a half miles of said point where said ferry shall be established.

SEC. 3. This act shall take effect from and after its passage.

Approved, February 10, 1855.

Chapter 45.

An Act to authorize school district number one, in the town and county of Fond du Lac, to raise a special tax.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Special tax to be levied.

SECTION 1. The inhabitants of school district number one, in the town and county of Fond du Lac, are authorized and empowered to levy a special tax on the taxable property in said district, for the purpose of paying to school district number eight, in the town of Byron, in said county, an amount properly belonging to said district, as its share or interest in the school house erected by said districts numbers one and eight, while forming one district.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 10, 1855.

Chapter 46.

An Act to amend an act entitled "an act to incorporate Symphony College," "Approved, February 11th 1853."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time of meeting of trustees changed.

SECTION 1. That the first meeting of the board of trustees of Symphony College as provided for in the act to which this act is amendatory, shall be held at such time and place as the trustees named in said act or a majority of them shall appoint, notice of the time and place of such meeting shall be given to each trustee in writing by delivering the same to him personally, or leaving the same at his last and usual place of abode, at least thirty days previous to the time of such meeting, and so much of the third section of said act as required "the first meeting of said board at the school house in district No. three (3) in the town of La Crosse, and county of La Crosse, on or before the first day of June, A. D. 1853, is hereby repealed.

Approved, February 10. 1855.

Chapter 47.

An Act authorizing the laying out of a State road from Richland city, in Richland county, to the village of Newport in the county of Sauk.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Edward Norris, C. P. Logan and J. H. Coffinberrey, be and they are hereby appointed commissioners to lay out and establish a state road from Richland, city in Richland county, to the village of Newport, in Sank county.

SEC. 2. Said commissioners and other persons employed in running and surveying said road, shall receive such compensation only, as the supervisors of the said county through which the road passes may allow.

SEC. 3. This act shall take effect, and be in force from and after its passage.

Approved, February 10, 1855.

Chapter 48.

An Act to aid school district No. one, of the town of Hazle Green, Grant county in the erection of a school house therein.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The district board of school district No. one, of the town of Hazle Green, Grant county, are hereby authorized and empowered to borrow such sum or sums of money not exceeding three thousand dollars, for the purpose of aiding the same in the erection of a school house in said district. District authorized to borrow money.

SEC. 2. For the purpose of carrying out the provisions of the next preceding section, said district board are hereby authorized and empowered to execute promissory note or notes, as such board shall deem proper, which note or notes it shall be obligatory on said district to pay, with such interest as may be agreed upon, not exceeding twelve per cent per annum, and payable at such time or times as To execute notes to pay same.

they may deem advisable, not exceeding ten years from the date of such note or notes.

Empowered to mortgage property.

SEC. 3. Said note or notes shall be signed by the district board, and said board are hereby authorized and empowered to mortgage any property owned by, or any property that may hereafter belong to said district, for the payment of any such sum or sums of money borrowed as aforesaid, for the purpose aforesaid.

Duty of town clerk.

SEC. 4. It shall be the duty of the town clerk of the town in which said district is situated, to levy such sum annually upon the taxable property of said district as will be sufficient to pay the interest on said note or notes which, amount shall be levied and collected at the same time as other town and county taxes are levied and collected, and the good faith of said district shall stand pledged for the punctual payment of the interest on said note or notes, and their ultimate payment at the expiration of the time or times for which such loan may be obtained.

SEC. 5. It shall be the duty of the town clerk of the said town of Hazel Green, to levy a tax on the taxable property of said district, on the first Monday in the month of November, prior to said note or notes becoming due, sufficient to pay the same.

Duty of district board.

SEC. 6. It shall be the duty of said district board, from time to time, to ascertain and determine what sum or sums of money are necessary to carry into effect the provisions of this act, which sum or sums so ascertained and determined, shall be levied and collected in the same manner as money for other purposes, is by law levied and collected in said district.

SEC. 7. This act shall be favorably construed to effect the purpose for which it is intended, and shall be in force from and after its passage.

Approved, February 13, 1855.

Chapter 49.

An Act to incorporate the village of Madison into a separate school district.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the county of Dane as is or may hereafter be included within the corporate limits of the village of Madison, is hereby declared to be a separate school district, the government of which shall be as hereinafter provided.

Directors to be chosen.

SEC. 2. There shall be chosen by ballot at a meeting of the qualified electors of said district, to be held within ten days after the passage of this act, (of which meeting at least five days notice shall be given by the clerk of school district number one in the village of Madison, in some one or more daily newspapers printed in said village) six directors of said school district who shall be known and designated as "The board of education of the village of Madison," and within five days after their election shall take the oath prescribed by the constitution of this state and file the same in the office of the village clerk.

When term of office shall expire

SEC. 3. Within ten days after their election the directors of said school district shall meet at the school house in said district and first divide themselves by lot into three classes, the term of office of the first class shall be one year: that of the second class two years, and that of the third class three years from and after the first Monday of February, A. D. eighteen hundred and fifty-five. Second, elect by ballot a superintendent of said school district who shall be a resident of said village, and who shall hold his office for the term of two years. Third, elect by a ballot from their own body a chairman, treasurer and clerk, whose term of office shall be for one year and until their successors shall be elected and qualified.

Time of annual election fixed.

SEC. 4. In each year thereafter on the first Monday in February, there shall be elected by the voters of the district qualified to vote for district officers, such a number of residents of said village to act as directors of said school district as will be necessary to fill all vacancies which have occurred as well as the places of those whose term of office are about to expire, whose term of office shall be three years or until their successors are elected and qualified, but those elected to fill vacancies shall serve only till the end of the unexpired term.

Directors to qualify.

SEC. 5. Within ten days after the election mentioned in section four, the directors so elected shall qualify as is provided in section two, and the board so constituted shall annually at their next meeting elect officers to fill all vacancies.

Board may fill vacancies.

SEC. 6. It shall be the duty of the board to fill all vacancies which may occur in their own body from any cause other than the expiration of their term of office and the persons thus appointed shall hold their office until said vacancies are filled at the next annual election.

May remove certain officers.

SEC. 7. The board shall have power to remove from office the superintendent, clerk or treasurer for official misconduct or negligence, by a vote of two-thirds of its members, excluding the vote of the party on trial, but no member shall be so removed without due notice and a full and impartial hearing.

SEC. 8. The superintendent so elected shall be an advisory member of said board, but shall have no vote thereon, nor shall the treasurer or clerk be entitled to a vote upon matters relating to their official acts as treasurer or clerk.

SEC. 9. Said board so constituted shall be a body corporate by the name of "The board of education of the village of Madison," in relation to all powers and duties conferred upon them by virtue of this act as well also as those conferred by any law of the state relating to common schools; a majority of the same shall constitute a quorum. Said board shall at each first annual meeting after election decide what compensation shall be allowed their superintendent, treasurer and clerk for the ensuing year, and also decide the amount of the security, it shall be the duty of the treasurer to give, prior to entering upon the duties of this office.

To fix salary of officers.

Duty of clerk.

SEC. 10. The clerk of said board shall keep a record of the proceedings thereof and perform such other duties as the board may prescribe, which records or a transcript thereof, certified by the chairman and clerk, shall be received in all courts as prima facie evidence of the facts, therein set forth, and such record and all the books and acounts of said board shall be always subject to the proper inspection of any elector of said village, and the said books, records, and accounts, shall be the property of said board and their successors in office.

SEC. 11. It is hereby made the duty of the president and trustees of said village of Madison to cause to be raised from time to time by taxation in the same manner as

other village taxes are raised in addition to the amount of school moneys now or hereinafter appropriated or provided by law for common school purposes in said village, such sums as may be determined upon and certified to them by the said board of education, to be necessary for any or all the following purposes: First, to purchase lease or improve sites for school houses. Second, To build, purchase, lease, enlarge, alter, improve and repair school houses and their appurtenances. Third, to purchase, exchange, improve and repair school apparatus, books, furniture and appendages. Fourth, to purchase fuel and defray the contingent expenses of the schools in said district and also the expense of the district library in said district. Fifth, to pay any balance due teachers after the public moneys which may by law be appropriated and provided for that purpose is expended, *Provided, nevertheless,* That no tax shall be laid for such purposes oftener than once in each year. Sixth, to pay any interest which there may be due or coming due on any moneys which may be borrowed under the provisions of this act.

President and trustees of Madison to raise money by tax for school purposes.

Proviso.

SEC. 12. All moneys to be raised pursuant to the provisions of this act and all school moneys by law appropriated to or provided for said village shall be paid to the treasurer of said board, who shall give his receipt therefor to the proper officer, and who, together with the sureties upon his bond as treasurer, shall be accountable therefor in the same manner as the treasurer of said village is liable for moneys coming into his hands as treasurer, and the said treasurer shall also be liable to the same penalties, for any official misconduct in relation to the said money as is the treasurer of said village.

Money raised to be paid treasurer, and he responsible.

SEC. 13. The said board of education may cause a suit or suits to be prosecuted in their own name upon the official bond of their treasurer for any default, delinquency or official misconduct in relation to the collection, safe keeping or payment of any money mentioned in this act.

SEC. 14. The said board shall have the power, and it shall be their duty, First, to establish and organize such and so many schools in different parts of the village, as they shall deem requsite and expedient, and to allow and discontinue the same. Second, To purchase or hire school houses, and rooms, and lots, and sites for school houses and to fence and improve them as they may deem proper. Third, upon such lots and upon any cites now owned by said village, to build, enlarge, alter, improve and repair school houses, out houses, and appurtenances as they may

Duties and powers of the Board.

deem advisable. Fourth, to purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools and to defray their contingent expenses and the expense of the library. Fifth, to have the custody and safe keeping of the school houses, out houses, books furniture and appendages, and to see that the ordinances of the village trustees in relation thereto are observed. Sixth, to contract with all teachers, for said district from the number of those who shall have been licensed as herein provided, and at their pleasure to remove them. Seventh, to pay the wages of such teachers out of the school money which shall be appropriated and provided for said village so far as the same shall be sufficient and the residue thereof from the money authorized to be raised for that purpose by section eleven of this act by tax upon the village. Eighth, to defray the necessary contingent expenses of the board including the salary of the clerk, treasurer and superintendent. Ninth, to have in all respects the superintendence, supervision, and management of the common schools in said village, and from time to time to adopt, alter, modify and repeal as they may deem expedient, rules and regulations for the organization, government, instruction and reception of pupils and their transfer from one school to another, and generally for the promotion of their good order, propriety and public utility, *Provided however*, that they shall have no power to exclude the child of any resident of said village, for any cause except immorrality or on the ground of health. Tenth, to sell whenever in the opinion of the board it may be advisable any of the school houses, lots or sites or any of the school property now or hereafter belonging to the district. Eleventh, to prepare and report to the village trustees, such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots and sites, and appurtenances, and all the property belonging to the district, connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to said village trustees the sums in their opinion necessary or proper to be raised under the eleventh section of this act, specifying the sum required for each of the purposes therein mentioned. The school established or maintained under the provisions of this act shall be free and without charge to all the children between the ages of four and twenty years

Proviso.

residing in the district, subject to such reasonable and proper classification as the board may order.

SEC. 15. Said board of education shall have power to allow the children of persons not resident within the village to attend any of the schools in said village upon such terms as said board shall by resolution prescribe.

Shall be trustees of district library, &c.

SEC. 16. The said board of education shall be trustees of the district library in said village, and all the provisions of law, which now are, or hereafter may be passed relating to district school libraries, shall apply to the said board in the same manner as if they were trustees of an ordinary school district. They shall also be vested with the discretion as to the disposition of the money appropriated by any law of the state for the purchase of libraries which is therein conferred upon the inhabitants of school districts. It shall be their duty, whenever they shall deem it advisable, to provide a library room and all the necessary furniture therefor, and appoint a librarian to make all purchases of books for the said library, and from time to time to exchange, or cause to be repaired, the damaged books belonging thereto. They may also sell any books they may deem useless, or of an improper character, and apply the proceeds to the purchase of other books.

Required to publish report.

SEC. 17. It shall be the duty of the said board, at least fifteen days before the annual election for directors, to publish a full report of their doings for the preceding year.

SEC. 18. The said board shall be subject to the rules and regulations which have been or may be made by the state superintendent of schools, so far as the same may be applicable to them, and not inconsistent with the provisions of this act.

SEC. 19. The said board shall have power to employ teachers without any certificate of qualification from the town superintendent.

President and trustees of Madison to pass ordinances, &c.

SEC. 20. The president and trustees of the village of Madison shall have the power, and it shall be their duty to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe keeping, care and preservation of the school houses, lots, sites and appurtenances, and all the property belonging to, or connected with the schools in said village, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said village, and all

such penalties shall be collected in the same manner that the penalties for a violation of the village ordinances are by law collected, and when collected shall be paid to the treasurer of the village, and be subject to the order of the board of education in the same manner as other money raised pursuant to the provisions of this act.

School property exempt from taxation.

SEC. 21. The title of the school houses, sites, lots, furniture, books, apparatus, appurtenances and all other property in this act mentioned shall be vested in the said board, and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever. And the said board in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest, or devise, for the use of the common schools of the said village.

School property may be sold

SEC. 22. Whenever any of the school property of said district shall, in accordance with section twelve be sold by said board, the proceeds shall be paid to their treasurer, and shall be subject to their order, to be expended by them for the use of said district, and all moneys to which the said district may be entitled shall in like manner be paid over by the proper officer to the treasurer of the board on his presenting an order therefor, signed by the chairman and countersigned by the clerk of the board and the same shall be disbursed by him to persons who may present similar orders from said board to him.

To procure a site and erect school house.

SEC. 23. It shall be the duty of the said board of education, and they shall have the power to procure a site and cause to be erected thereon a suitable edifice for a union school and cause a statement of the probable cost of said site and building to be laid before the president and trustees of said village, who shall have the power, and it shall be their duty to borrow a sum of money not exceeding ten thousand dollars, for the payment of any amount or amounts contracted to be paid by said board of education, for the erection of said high school edifice, and to execute bonds therefor under the common seal of said village, and the signatures of the president and clerk thereof. The loan of the sum hereby authorized shall be for a term of not less than ten years, and the interest thereon shall be paid annually, and the said village trustees are hereby authorized, and it shall be their duty to raise by tax, in manner as specified in the eleventh section of this act, the annual interest of the above mentioned

President and trustees authorized to borrow money.

loan, and to pay over the same in discharge of such interest, and also to raise by and collect in the same manner any sum or sums necessary to meet the conditions of said law, and to pay over the same in discharge thereof.

Duty of clerk.

SEC. 24. It shall be the duty of the clerk of the board immediately after the election of any person as a director of common schools, personally to notify him of his election, and if any such person shall not within ten days after receiving such notice, take and subscribe the constitutional oath, and file the same with the clerk of said village, the board may consider it a refusal to serve, and proceed to supply the vacancy occasioned by said refusal.

SEC. 25. The provisions of the laws of this state, relating to common schools, and which are not inconsistent with this act, shall apply to the district hereby established, but the town superintendent shall not have power to alter the limits of said district. The word village, wherever found in this act, shall be construed "city," should a city charter be obtained at any time by said Madison.

SEC. 26. This act shall take effect and be enforced from and after its passage.

Approved, February 13, 1855.

Chapter 50.

An Act to incorporate the Appleton manufacturing and water power company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Frederick Packard, Jackson Tibbits, Anson Ballard, and such others as they may associate with themselves, are hereby appointed commissioners to open books for subscription to the capital stock of the Appleton manufacturing and water power company, at the village of Appleton, in the county of Outagamie, at such time and place as said commissioners and their associates, or a majority of them, shall designate by public notice, and to distribute the stock so subscribed. And the subscribers of stock on said books, their successors and assigns, shall and may have continual succession, and shall be capable in law of

suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of action, suits, complaints, matters and causes whatsoever, and that they, their successors and assigns, may have a common seal, and may change and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate or property, real or personal, for the use and benefit of the said corporation, and be subject, however, to the restrictions and conditions herein contained.

Capital stock.

SEC. 2. The capital stock of said company shall consist of not more than one hundred and fifty thousand dollars, or less than twenty thousand dollars, and shall be divided into shares of not less than fifty dollars each, which shall be deemed to be personal property, and may be transferred in such manner as the company shall direct by their by-laws.

Powers of corporation.

SEC. 3. The said corporation shall have power to engage in any kind of manufactures or milling which to them may seem fit, and to construct or own dams, canals, water ways, reservoirs, flumes or races, on any lands which are now, or hereafter may be owned by said company, or on the lands of other persons, whose consent may be thereto obtained: *Provided*, That the business of the said corporation shall be conducted at the village of Appleton, aforesaid.

Proviso.

SEC. 4. The said corporation shall have power to hold, purchase or possess and convey lands tenements and hereditaments, or goods and chattels, and may enact and pass such by-laws and regulations as they shall deem proper: *Provided*, Such by-laws and regulations are not repugnant to the constitution and laws of this state or of the United States, and that the said corporation shall not at any time hold more than five hundred acres of land, except as provided in section five of this act.

May hold real estate.

Proviso.

SEC. 5. Said corporation is hereby authorized to receive, take and hold mortgages on real estate, chattels or tenements, for the payment or security of debts due or to become due to the said corporation; and shall have power to proceed on the said mortgages or any other security for the recovery of the money thereby secured to them, either at law or in equity. And it shall be lawful for the said corporation to purchase on sales made by virtue, either of a judgment at law or decree or order of a court of equity, rendered or made in favor of said company, and

to take any real estate in payment, or towards satisfaction of any debt or sum of money due the said corporation, and to hold such real estate so to be purchased or received, or taken as last aforesaid, until they can conveniently sell and convert the same into money at its true and fair valuation. Company to take real estate for debts.

SEC. 6. The said stockholders in said corporation shall be entitled to one vote for every share owned in the same, up to the number of ten shares, and to one vote for every five shares respectively over the number of ten shares, up to the number of one hundred shares, and to one vote for every twenty-five shares respectively over the number of one hundred shares, at all meetings for the election of directors.

SEC. 7. Within sixty days after twenty thousand dollars shall have been subscribed to the capital stock of said company, and ten per cent. paid thereon, a meeting of the stockholders who have subscribed for such stock shall be held, at such time and at such place in the village of Appleton, as the said commissioners shall direct, of which public notice shall be given by advertisement at least two weeks previous, in whatever newspaper may then be published in the said village of Appleton; and at such meeting the said stockholders shall elect from their own number five directors, to hold office until the first Monday of January next thereafter, or until their successors shall be elected, and on the first Monday of January of each succeeding year thereafter, there shall be held at Appleton a meeting of the stockholders of the said corporation for the election of directors for the ensuing year, at such hour and place as the directors shall appoint, of which meeting the same notice shall be given as for the first meeting provided for by this act; but said corporation shall not be dissolved for the neglect in omitting to hold a regular annual meeting for the election of directors. It shall be the duty of the board of directors to call special meetings of the stockholders by notice as aforesaid, whenever requested so to do by any number of stockholders, owning not less in the aggregate than five thousand dollars of the stock of said company. And at any meeting so called, if there shall have been a failure to elect directors at the the time herein provided, it shall be lawful to proceed to the election of a board of directors, who shall hold their office until the first Monday in January next thereafter, and until their successors are elected. First meeting of stockholders. Term of office of Directors. May call special meetings.

SEC. 8. The directors shall immediately after the elec-

tion proceed to elect a president from their own number, a secretary, who shall be a stockholder but not a director, and a treasurer, who shall hold their offices for one year, unless sooner removed by the directors.

Powers and duties of directors.

SEC. 9. The directors, or a majority of them, shall manage the business and affairs of the said corporation, and shall have the charge of all the stock and property, real and personal thereof, they may make by-laws for the government of the company; they may create such officers or agents in addition to those above mentioned, as to them may seem fit; they shall fix the compensation of all the officers of the company; they may at any time remove any of such officers and appoint new ones, and in case any vacancy shall occur in the board of directors during their term of office, by resignation or otherwise, they may fill such vacancy by election from the stockholders; they shall also have power to declare any share or shares of stock absolutely forfeited to the said company, in case the holder thereof shall fail to pay any assessment that may be made thereon within sixty days after such assessment shall have been made. They shall also have power at any time to open books for further subscription of stock to the said company, within the limits prescribed by this act.

Duty of secretary.

SEC. 10. The secretary of this corporation shall keep a book in which shall be registered the names of all the stockholders of this company, exhibiting their respective places of residence and the number of shares of stock held by each, and the directors shall issue certificates of shares of stock to the respective stock holders which shall be signed by the President and Secretary, which said shares may be transferred at the pleasure of the holder: *Provided*, That all instalments of stock assessed and due on said shares shall first have been paid. All transfers of stock shall be made by endorsement on the certificates and the person to whom such transfer is made shall personally, or by his attorney duly authorized, become a party to the transfer by signing the same, and such transfer with the date thereof shall be registered in the registry aforesaid, and the old certificates shall be surrendered and cancelled, and a new one in like form issued to the assignee.

Stock transferable.

Proviso.

SEC. 11. This act shall take effect from and after its passage.

Approved February 13, 1855.

Chapter 51.

An Act to incorporate the Sheboygan Lake Turnpike and Bridge Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Erastus Keach, Sylvanus Wade, Henry Dochstader, Joseph Syron, Daniel D. Hosford, Charles H. Robinson, Eli Adams, Solomon Lombard, George W. Hersey, Thomas Lockhart, John Hansel, Michael Byrn, and Walter Clovis, and their associates and successors, be, and are hereby incorporated by the name and style of "Sheboygan Lake Turnpike and Bridge company," and by such name may sue and be sued, plead and be impleaded in any court of this state, and may have a common seal, and change the same at pleasure, and may take and hold real and personal estate, and convey the same in any manner not contrary to law, not to exceed in value twenty-five thousand dollars. Corporators.

SEC. 2. Said company shall have power to build and construct a turnpike across the swamp and marsh on the border of Sheboygan Lake, in Sheboygan county, on or as near as practicable, and convenient to the section line running north and south between sections fourteen (14,) and fifteen, (15,) twenty-two (22,) and twenty-three, (23,) twenty-six (26,) and twenty-seven, (27,) and thirty-four (34,) and thirty-five, (35,) in township No. sixteen, (16,) north of Range No. twenty (20) east, with a suitable bridge across Sheboygan River, wherever said route may intersect the same, and also across any and all other streams upon said route—said turnpike and bridge to be constructed in any manner, and of any materials, as the said company shall see fit; *Provided* The same be safe and convenient for traveling upon with teams and otherwise, at all seasons of the year—to be commenced within one year, and finished within three years after the passage of this act; said turnpike and bridge or bridges to be not less than twelve feet wide, with suitable and convenient turnouts upon either side of the turnpike. Authorized to build road described. Proviso.

SEC. 3. Said company are authorized and empowered hereby to occupy, for the aforesaid purpose, a belt of land not exceeding four rods in width, across said swamp and marsh, from the highland upon either side, on or as near said section line as practicable and convenient, wherever Have power to occupy Swamp lands either side of road.

the same is swamp land, within the intent and meaning of the act of Congress, approved, the day of September, 1850, granting said land to the State of Wisconsin, and wherever the same is now the exclusive property of the state, as long as the same shall be occupied by said company, or its assigns, for the purpose of a public highway under the regulations of this act, and any amendments which may be made hereto.

SEC. 4. Said company shall have power, for the purpose of constructing said turnpike and bridge, or bridges, to take from any swamp land belonging to this state, and within one mile of the line of said turnpike route, all necessary stones, gravel, timber and earth for said purpose.

Capital stock.

SEC. 5. The capital stock of said company shall be five thousand dollars, with power to increase the same from time to time, as they may see fit, not to exceed ten thousand dollars, to be divided into shares of ten dollars, each.

SEC. 6. A majority of the members of the company hereby incorporated, after giving ten days notice to all the members, may at any time after the passage of this act, meet at the place and time appointed in said notice, and appoint a committee or committees, for the purpose of soliciting subscriptions to the capital stock of said company, and shall appoint the time and place or places at which the books of the company shall be opened for said purpose, and when the same shall be closed. Said meeting shall also appoint a temporary treasurer of said company, to act until a treasurer shall be elected under this act as hereinafter provided.

First meeting of stockholders.

SEC. 7. Whenever, and as soon as two hundred and fifty shares of said capital stock shall have been subscribed for, and ten per cent. of the said subscriptions paid into the treasury of the company, said subscription committee or committees, or a majority of them, shall call a meeting of the stockholders of said company, by posting up written notices at the places of holding the last elections in the towns of Greenbush and Russell, in which towns said improvement is to be made, which notices shall specify the time and place, and object of said meeting, and shall be posted ten days before said meeting is to be held, at which meeting the stockholders of said company shall proceed to elect by ballot, allowing one vote (either personally or by proxy,) for each share subscribed to said capital stock, the following officers for said company, to wit: a president, a vice president, a secretary, a treasurer, and five di-

rectors who shall hold their respective offices until the first day of January, next succeeding, upon which day the said stockholders shall thereafter annually hold their elections for the above named officers.

SEC. 8. Whenever said company shall have completed said turnpike and bridge or bridges, according to the true intent and meaning of this act, they shall have power, and are hereby authorized to demand, collect and receive, for passing over said turnpike and bridge, the following tolls: For every footman, three cents; for every person on horseback, ten cents; for each and every vehicle drawn by one horse, mule or other animal fifteen cents; for each vehicle drawn by two horses, mules or oxen, twenty cents; and for each animal additional five cents; for cattle and horses in droves, three cents each; for hogs, sheep, and other domestic animals not herein mentioned, one cent each. Rates of toll.

SEC. 9. Said company shall, at their annual meetings have power to make and adopt all necessary by-laws for the regulation of the affairs of said company, not repugnant to the laws of the United States, or of this state.

SEC. 10. Any three of the directors shall have power to call special meetings of the directors or stockholders, by filing a written request with the secretary, who shall, within ten days thereafter, give the like notice for said meeting, as is hereby required for calling the first meeting of the stockholders of said company.

SEC. 11. Said company shall have all the powers and privileges, and be subject to all the duties of a corporation agreeably to the provisions of the statute regulating corporations, so far as such provisions are applicable to such cases, and not inconsistent with this act. Powers of corporation.

SEC. 12. Said company shall keep posted up in their toll house, exposed to the view of all passers-by, a list of the rates of tolls allowed by this act.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved, February 14, 1855.

Chapter 52.

An Act to vacate the Plat of Aegid Miller's addition to the city of Watertown.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Plat vacated.

SECTION 1. The Plat of Aegid Miller's addition to the city of Watertown, as surveyed and platted by M. L. Benson, is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 14, 1855.

Chapter 53.

An Act to incorporate the "Milwaukee Gymnastic Association," called in German, "Der Turnoverein Milwaukee."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Hans Boebel, George Tyre, Joseph Kluppak, Henry Buckelmueller, Henry Wile, Samuel Waegle, Ullrich Wagner, William Noss, Otto Post, George Logernann, Julius Rohn, Michael Fiess and William Frankfurth, who have united themselves into an association for the purpose of teaching and learning gymnastics and for cultivating and improving the faculties of the body as well as of the mind by gymnastic exercises, and by establishing and sustaining a reading room and a library, and for other similar purposes, and their associates, are hereby created a body politic and corporate, located in the city of Milwaukee, and known by the name of "The Milwaukee Gymnastic Association, or in German, "Der Turnoverein Milwaukee."

SEC. 2. The said corporation shall have power to contract and to be contracted with, to sue and to be sued, to plead and to be impleaded with, to answer and to be answered unto, to defend and to be defended in all courts of law and equity in this State and shall have perpetual succes-

sion and be vested with all the powers and privileges necessary to carry out and fulfil the object of their corporation.

SEC. 3. Said association shall keep a common seal, and shall have power and authority, to acquire, purchase, receive, possess, be seized with, and enjoy property, real and personal not exceeding in value the sum of one hundred thousand dollars, and the said association may alter said common seal and sell, rent, demise, convey or otherwise dispose of their real and personal estate at pleasure; also, to effectuate loans, borrow money for the use of the corporation, to issue their bonds therefor and to execute, sign, seal and deliver deeds, mortgages or other instruments in writing, as the case may require.

SEC. 4. The said corporation shall have further power to establish for its government a constitution and by-laws, not inconsistent with the constitution or laws of this state and make such rules and regulations as may be deemed necessary to carry into effect the object of their association.

Powers of members.

SEC. 5. The members of said association shall have power to assemble and meet at such times and places as may be agreed upon, and they shall elect any number of discreet persons of their association, not less than three nor more than nine in number as Trustees, to take charge of the real and personal property belonging thereto, as the laws of this state require, and to transact all business relative to the investment and disposal thereof.

May appoint officers.

SEC. 6. It shall be lawful for said association to elect and appoint such other officers as the condition and the circumstances of the corporation may require, and to prescribe their powers and duties, and require bond and security for the faithful performance thereof, in such penal sum and with such sureties as they may choose, and also prescribe the term of their office; *Provided however*, That the trustees shall hold their offices in conformity with the law for at least one year and until others are elected.

Proviso.

SEC. 7. The property real and personal of said corporation shall be solely devoted to the purposes and objects of said association, and all real and personal estate, which has been or may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise, to said society or to any person or persons in trust for said association, shall descend with all improvements and appurtenances in, perpetual succession to and be held by the trustees in trust or said corporation.

SEC. 3. This act shall take effect from and after its passage, and may be altered or amended by any future legislature.

Approved February 14, 1855.

Chapter 54.

An Act to amend an act entitled an act to lay out a certain State Road, approved July 6, A. D, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission's appointed.

SECTION 1. John L. Spurr and Aaron Drake, of Portage county, and J. P. Putnam, of Waupacca county, are hereby appointed commissioners to lay out and establish said state road, commencing at the village of Waupacca, in Waupacca county, via Plover and Mill Creek to some point on Yellow River, in Portage county, instead of the commissioners named in the act to which this is amendatory.

SEC. 2. This act shall take effect from and after its passage.

Approved February 14, 1855.

Chapter 55.

An Act to change the names of the "First," "Second," "Third" and "Fourth" Lakes in Dane County and the Catfish river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The "First" Lake, in Dane county, shall hereafter be known as Lake "Kegonsa."

SEC. 2. The "Second" Lake, in said county, shall be known and designated hereafter as Lake "Waubesa."

SEC. 3. The "Third" Lake, in said county, shall be known and hereafter designated as Lake "Monona."

SEC. 4. The "Fourth" Lake, in said county, shall be known and hereafter designated as Lake "Mendota."

SEC. 5. The stream as now designated and now known as the "Catfish," shall be named and hereafter known as the "Ya-ha-ra."

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 14, 1855.

Chapter 56.

An Act to change the name of the town plat of Middledale, in the county of Rock.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the town plat of Middledale, in the town of Rock, in the county of Rock, is hereby changed to Afton, and by that name shall hereafter be known in all courts and places whatsoever. **Name of plat changed.**

SEC. 2. A copy of this act, certified by the secretary of state, shall be recorded in the record of town plats in the office of the Register of deeds for Rock county.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 14, 1855.

Chapter 57.

An Act to authorize School District number one, in the Town of Shields, in the County of Dodge, to levy a Tax.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The legal voters in school district number one, in the town of Shields, in the county of Dodge, are hereby authorized at any regular or special meeting of said voters, in said district, to levy a tax for the purpose of purchasing a lot, and for the purpose of building thereon a school house; said taxes shall not exceed the sum of three hundred dollars.

District authorized to levy special tax.

SEC. 2. The proper officer of said district shall have power to levy and apportion and collect said taxes, as if the same had been levied at the annual meeting of said district.

SEC. 3. This act shall be in force from and after its passage.

Approved February 14, 1855.

Chapter 58.

An Act to extend the time for collecting taxes in the town of Mineral Point in Iowa county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended.

SEC. 1. The time for collecting taxes in the town of Mineral Point in the county of Iowa for the year 1855, is hereby extended until the first day of March of said year.

Power of treasurer.

SEC. 2. The treasurer of said town shall have the same right to levy upon and sell property for delinquent taxes within the time so extended as he might have with the usual time of collecting taxes by law.

SEC. 3. This act shall be in force and take effect from and after its passage.

Approved February 14, 1855.

Chapter 59.

An Act to incorporate the Beloit Gas Light and Coke Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Smith J. Sherwood, James K. Burtis, Lucius G. Fisher, Jackson J. Bushnell, Hazen Cheeny, John Hackett, Wm. T. Goodhue, A. B. Carpenter and Allen Warden, and their associates, successors, heirs and assigns, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of the Beloit Gas Light and Coke Company; and by that name they and their successors shall be capable, in law of contracting and being contracted with, sueing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever; with full powers to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension, and use of the works of said company, and for the management and good government of the same; and they may have a common seal, and the same may alter, break or renew at pleasure. Corporators.

SEC. 2. The corporation hereby erected shall have full power and authority to manufacture and sell gas, to be made from any and all substances, or a combination thereof, from which inflammable gas is usually obtained; and to be used for the purpose of lighting the village of Beloit, or the streets thereof, and any building, manufactories, public places or houses therein contained; and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas, in any of the streets or avenues of said village: *Provided*, That no permanent injury or damage shall be done to any street, lane or highway in the said village of Beloit. The real estate which this corporation is entitled to hold, shall not exceed in value fifty thousand dollars. Powers of corporation. Proviso.

SEC. 3. The capital stock of said company shall not exceed two hundred thousand dollars, to be divided into shares of twenty-five dollars each, to be subscribed for and paid in such proportion as shall be provided by the by-laws and rules for regulating the concerns of said company, as they shall think proper and necessary respecting the management and disposition of the stock, property and estate of said company; the duties of the officers, artificers and Capital stock. May appoint officers.

agents to be employed; the number and election of directors, and all such matters as appertain to the concerns of said company. Said company shall have the exclusive privilege of supplying the village of Beloit and its inhabitants with gas, for the purpose of affording light, for fifteen years.

SEC. 4. This act shall be in force from and after its passage.

Approved February 13, 1855.

Chapter 60.

An Act to extend the time for the collection of taxes in the county of Pierce.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended.

SEC. 1. The time for the collection of taxes in the county of Pierce is hereby extended to the first day of June next.

Duties of town treasurers.

SEC. 2. The town treasurers of the county of Pierce elected at the last April Town Meeting, are hereby required to qualify and give bonds according to law, and proceed to collect the taxes yet remaining due in their respective towns the same as though they had qualified and given bonds as the law requires when first elected.

SEC. 3. The town treasurer shall have the same power to proceed to collect the taxes yet remaining due, by distress and sale of goods and chattels of persons and corporations as described in the revised statutes.

SEC. 4. No informality in the tax lists in the towns in said county, or in the return of said tax lists shall be construed or considered as preventing the execution of this act. The town treasurers shall collect and pay to the county treasurers the taxes due in their towns on or before the first day of June next.

SEC. 5. The time for the payment of taxes to the state treasurer by the county treasurer of the county of Pierce is hereby extended to the first day of July next.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 14, 1855.

Chapter 61.

An Act to amend the charter of the Milwaukee and Mississippi Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Milwaukee and Mississippi Railroad Company, in addition to the powers heretofore granted, shall have the power to locate, construct, and operate a railroad with a single or double track from some point on their present line in the county of Rock, thence through the city of Janesville, to and across Rock River, and thence continuing through said city, running south of the north line of section thirty-five, township three, north of range twelve, east of the fourth meridian in the said county of Rock, and from thence westerly, through the village of Monroe, in Green county, and through or near the villages of Shullsburgh and Benton in La Fayette county, to a point on the Mississippi river, thence down the Mississippi river, to a point opposite or near Dubuque in the state of Iowa, and from the first named point up said river, to some point in township number three, (3) north of range number five, (5) west, in Grant county; and to locate and construct main tracks, turn-outs and connecting tracks on the said lines, and between the points aforesaid; and also to enter upon and take possession of and use any land not exceeding one hundred feet in width, for surveying, locating or constructing such main tracks, side tracks, turn-outs and connecting tracks, doing thereto no unnecessary damage; and said company shall also have power to enter upon, take possession of and use, any lands adjoining or adjacent to such main tracks, side tracks, turn-outs and connecting tracks, beyond the limits of one hundred feet in width, for the purpose of erecting station and depot buildings and other buildings and fixtures for the transaction of the business of said company. Additional powers granted to said road.

SEC. 2. All damages sustained by any person or persons for using or taking any lands or property, as provided in the preceding section, shall be ascertained and paid for in the manner prescribed, and agreeably to the provisions contained in the eleventh section of the charter of the Milwaukee and Waukesha railroad company, approved, Feb. 11th, 1847; or in the following manner, to wit: It shall be lawful for any judge of the circuit court, or judge Damages to be paid in manner prescribed.

or justice of the supreme court, on the application of said company, and at its cost and charge to appoint as appraising commissioners, three disinterested persons, each of whom shall be a resident of the county of Rock, Green, Lafayette or Grant. After such commissioners shall have been duly appointed others may and shall from time to time be appointed by either of the officers above named, as need or occasion may require upon application of said company, in either of the following cases: 1st. When any one of the persons heretofore appointed shall cease to be a resident of either of the counties above named. 2d. When such person shall decline to act or to further act as said commissioner. 3d. When such person shall neglect or fail to act or to further as such commissioner for the space of eight days, after being requested to so act by the chief engineer or attorney of said company. 4th. When such person shall resign his said appointment. 5th. When such person shall die, or be imprisoned, become insane or shall from other cause become incapacitated or unable to in proper manner discharge the duties imposed by such appointment. Before any such first appointment as aforesaid shall be made, said company shall give notice to all whom it shall or may concern, that an application by said company will be made at a time, place, and before a judge or justice in such notice named, for the appointment of three appraising commissioners as provided in this section. Such notice shall be published for three successive weeks prior to the time set for hearing such application, in a weekly newspaper in each of the counties above named, if there be such paper printed therein; and the affidavit of the publisher or printer of such newspaper of the fact of publication, shall be sufficient legal evidence of such publication. The judge or justice named in the notice, may continue or adjourn the hearing of such application for such length of time as he shall think fit, not exceeding in the whole, thirty days. Each person appointed as in this section provided, before entering upon the discharge of the duties devolving upon him, shall take an oath, in substance, that he will faithfully and impartially, according to the best of his ability, examine the land taken or acquired by said company under and pursuant of its charter, and that he will estimate and appraise the value of the same, and determine the amount of compensation which the owner or owners thereof ought to have and receive for such property, and for the damages or in-

Commissioners required to take oath.

jury sustained, or which may be sustained by such owner or owners by reason of the taking and using such land by said company, deducting from such damages the benefits and advantag which such owner or owners has derived or may derive by occasion of the construction of said railroad. Such oath may be administered by any officer authorized to administer oaths.

Duties of commissioners.

After said commissioners are sworn as aforesaid, it shall be and is hereby made their duty to view and examine the land taken or acquired by said company, with the building and improvements if any thereon, and to estimate the value of the land so taken, to be taken or required by said company; and determine the amount of compensation which the owner or owners thereof ought to have and receive for such property, and for the damage or injury sustained, and which may be sustained by such owner or owners, by reason of the taking and using such land by said company deducting from such damages the benefits and advantages which such owner or owners by reason of the taking and using such lands by said company, deducting from such damages the benefits and advantages which such owner or owners has derived or may derive by occasion of the construction of such railroad, and the operation of the same, or of works appertaining thereto, taking into consideration the advantages as well as disadvantages accruing to such owner or owners, by means of the construction and operation of said railroad. And when so done, the same shall be by said commissioners reported in writing, under the hands of said commissioners (or a majority of them,) to the circuit court of the county wherein the land is, or lands are situate. Such reports shall from time to time be made, and shall be deposited with the the clerk of the circuit court of the proper county, who shall file and carefully preserve the same in his office. Such reports shall be so as aforesaid made and deposited within thirty days after the appraisement shall be fully completed, in any county. In case no appeal shall be taken or made within thirty days after the filing of such report, then the said clerk shall record the same at the expense of said company, and the said court shall enter judgment thereon on motion of either party at any term of said court.

Required to make report.

Said commissioners shall have power under the provisions of this section, to do the things required of them in every case when the said company cannot agree with the owner or owners of such required land for the purchase

thereof, or as to the compensation to be paid therefor, or when by reason of the legal incapacity, non-residence of, or absence from the State of any such owner or owners, no such agreement or purchase can without delay be made.

Either party may appeal.

Said company, or such owner or owners as aforesaid, may appeal from the decision of said commissioners to the court aforesaid, within thirty days after filing of said commissioners report in the office of the clerk of said court, and the matters of fact determined by said commissioners shall be determined upon such appeal by a jury, and the jury for such purpose empannelled shall be sworn to, and shall render a true verdict according to the evidence, of the value of the land so taken or required by said company, and the compensation to be paid to such owner or owners by said company therefor and by reason of the taking of said land in the whole, deducting from such damages the benefits and advantages which will accrue to such owner or owners from the construction and operation of such railroad. Upon the verdict by the jury thus rendered the court shall enter judgment in accordance therewith.

The aforesaid commissioners shall in no case proceed to determine the value of the land or materials, or the compensation as aforesaid, in the absence of the owner or owners of such land, his, her or their agent or attorney, unless there has been previously thereto at least five days notice given to such owner or owners, his, her or their agent or attorney, of the time and place at which such proceedings would be had, or unless such owner or owners is, or are absent from this State, and having no agent or attorney known to said company, residing therein, or unless such owner or owners shall be minors or *non compos mentis*.

How notice shall be made.

Such notice as aforesaid may be made upon the guardian or trustee of any minor, and upon the guardian, trustee or committee of any person *non compos mentis*, if within this state, and such service shall be valid and effectual, and shall be binding upon the owner or owners, in like manner as though such minor or *non compos mentis* person were of full age and of sound mind. In all cases where notice cannot be given or served as aforesaid, said company shall cause to be published for three successive weeks a newspaper printed in the county where the lands lie if any such is printed, and if not, then in such paper printed at the capitol of this state, a notice to such owner or

owners, that at a time and place therein designated, said commissioners will proceed to and determine the value of the land and materials required as aforesaid, and the compensation to be paid therefor by said company as hereinbefore provided.

Upon the making and filing of any report as aforesaid, and payment or legal tender of the amount to be paid (as by said commissioners determined as aforesaid) to the owner or owners of any such lands, or to his, her or their agent, attorney, guardian, trustee, committee or legal representatives, the said company, its agents, workmen, or the contractor or contractors for making or repairing said railroad, may immediately take and use the same without awaiting the determination of any matter to be disposed of upon any appeal made or taken as hereinbefore provided.

Expiration of act.

SEC. 3. This act shall expire and cease to have effect on the thirty-first day of December, in the year of our Lord, one thousand eight hundred and fifty-five, unless prior to that day, the said Milwaukee and Mississippi Railroad Company, shall, by a resolution of its board of directors, accept thereof, and deposit with the Secretary of State a certified copy of said resolution, under the seal of said company, signed by the president thereof; and said company, shall also at the same time, deposit with the Secretary of State the assent of the Southern Wisconsin Railroad Company hereto, by resolution of its board of directors, certified under the seal of said last named company, and signed by the president thereof; said copy and certified resolution shall be by the Secretary of State immediately attached to this act enrolled, and shall from thenceforth be public records; and copies thereof certified by the Secretary of State, with the great seal of the state affixed, shall be evidence of the contents thereof in all courts, and before all tribunals in this state.

SEC. 4. The act or acts to which this is an amendment, so far as the same is consistent herewith, shall apply and extend to the powers, rights, privileges and franchises granted or conferred, or obligations imposed by or under this act.

Southern Wisconsin railroad.

SEC. 5. The Southern Wisconsin Railroad Company under a resolution of its board of directors, may, and is hereby authorized, upon receiving a full discharge of the mortgage debt, to release to the Milwaukee and Mississippi Railroad Company the equity of redemption of, in

and to so much of the railroad of said Southern Wisconsin Railroad Company as is now constructed between Milton and Rock River in the county of Rock, and as is covered by a mortgage, executed by said last named company, to one Walter P. Flanders, and by him assigned to said Milwaukee and Mississippi Railroad Company; which release shall be by deed of release, sealed with the seal of said company in this section first named, and signed by the president thereof, in the presence of two witnesses; and when so executed and delivered, shall be entitled to be recorded; and when so recorded shall have force and effect like other deeds lawfully recorded. From and after the recording of said deed as aforesaid the Milwaukee and Mississippi railroad company shall be the owner of and vested with all and singular the right and title to said road, as fully, amply and completely as it is to any portion of railroad by it constructed. The Southern Wisconsin railroad company is hereby authorized to sell and convey its property real and personal of any kind or nature whatever.

Powers of Milwaukee and Mississippi railroad.

Capital stock may be increased.

SEC. 6. The capital stock of the Milwaukee and Mississippi Railroad Company may be increased to, but shall not exceed the sum of eight millions of dollars, as may be determined by and in the discretion of the Board of Directors of said company, and the said company may increase the number of its Directors to any number not exceeding seventeen in the whole, as may be determined by the board of directors.

SEC. 7. This act shall take effect and be in force from and after the passage thereof.

Approved, February 17, 1855.

Chapter 62.

An Act to authorize the Board of Supervisors of Winnebago county to issue Bonds for the purposes therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors authorized to issue bonds and raise money.

SECTION 1. The Board of Supervisors of the county of Winnebago, is hereby authorized and empowered to issue bonds of said county to an amount not exceeding ten

thousand dollars, bearing interest not to exceed twelve per cent per annum, and for a time not less than ten, nor more than twenty years; to raise money to be expended in building a jail in said county, and for such other improvements for the use of said county as said board of supervisors shall deem necessary and proper.

Bonds, how issued.

SEC. 2. The bonds issued under and by virtue of this act shall be signed by the chairman and countersigned by the clerk of the board of supervisors, under the corporate seal of said county, and shall be in sums of not less than five hundred dollars each, with interest payable annually on the first day of May in each year at such place as said board of supervisors may determine.

SEC. 3. The board of supervisors of said county may at their annual, or at any special meeting, direct by resolution their chairman to sign and their clerk to countersign, the whole amount of bonds authorized to be issued by this act or such part thereof as the board may determine; and it shall be the duty of the county treasurer to negotiate the bonds so directed to be issued and to place the proceeds thereof in the treasury of said county; but before the treasurer shall receive said bonds or be trusted with them for negotiation, he shall execute his bond to said county for good and sufficient sureties in the penal sum of double the amount of bonds so received by him; conditioned for the faithful performance of his duty in the premises and a strict accountability of all money received by him from the sale of said county bonds and the prompt payment of the same into the treasury of said county, which bond shall be approved by said board of supervisors and filed in the office of the clerk of the board of supervisors. And said board of supervisors shall fix by resolution the compensation of such treasurer.

County treasurer to negotiate bonds; and to give security.

SEC. 4. It shall be the duty of said board of supervisors to provide for the payment of the interest and the ultimate payment of the principal of any county bonds which shall be issued under this act; and for that purpose said board of supervisors is hereby authorized and empowered to assess and collect annually a special tax on the real and personal property of said county, sufficient to pay the annual interest on said bonds in the same manner as other taxes are now levied and collected by law; which special tax shall be collected in money only, and shall not be paid out by the county treasurer for any other purpose than the payment of the interest on said bonds, and the good faith of

Duty of board of supervisors.

said county of Winnebago shall stand pledged for the punctual payment of the interest and the ultimate payment at maturity of all county bonds issued under the provisions of this act.

SEC. 5. The said clerk of the board of supervisors shall number said bonds and shall make duplicates of the same to be filed and kept in his office.

SEC. 6. Said board of supervisors may do any other act or thing necessary to carry into full force and effect the foregoing provisions of this act.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 16, 1855.

Chapter 63.

An Act to further amend an act entitled an act to incorporate the Female Normal Institute and High School at Milwaukee, approved March 1, 1851.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Trustees authorized to issue stock.

SECTION 1. The board of trustees of the Milwaukee Female College, are hereby authorized and required to issue to any person or persons who have heretofore subscribed and paid, or who shall hereafter subscribe and pay, any moneys toward the purchase of the grounds, or the erection and completion of said college, shares of stock equal in par value to the sums so paid; each share shall be of the par value of twenty-five dollars. The whole amount of stock to be issued shall not exceed thirty thousand dollars at such par value; certificates of stock shall be signed by the president and secretary of the board, and shall be transferable only on the books of the corporation, and with the express consent of the board of trustees at a regular meeting, and subject to the by-laws of the corporation.

SEC. 2. The persons who shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be and they hereby are declared and created a body corporate and politic, by the name and

style of the "Milwaukee Female College," with all the rights, powers and privilges which were conferred upon I. A. Lapham and others, and their successors, in and by the "act" approved March 1st, 1851, to which this act is amendatory, and in and by the "act" amendatory thereto approved, April 2, 1853.

Election of trustees.

SEC. 3. A meeting for the election of trustees shall be held by the stockholders annually, on the third Wednesday of February of each and every year, at the city of Milwaukee. At the first election, to be held on the third Wednesday of February, A. D. one thousand eight hundred and fifty-five, fifteen trustees shall be elected, who shall at the first regular meeting thereafter, be divided into three classes of five each, by vote of the trustees. The term of service of the first class shall be one year, of the second class two years, and of the third class three years. On the third Wednesday of February, A. D. eighteen hundred and fifty-six, and annually thereafter, five trustees shall be elected, whose term of service, respectively, shall be three years. At every such election each stockholder shall be entitled to one vote, and no more, for each share of stock held by him at the time upon the books of the company, which vote shall be cast in person and not by proxy, but the same person shall not cast more than ten votes; a majority of the votes cast shall be necessary to elect.

Notice of election to be published.

SEC. 4. Notice of the time and place of every election shall be given by three weeks' publication in a newspaper published in the city of Milwaukee, and if for any cause an election shall not be held, or no choice of the full number shall be made at the time fixed by law; and in case of any vacancy by death or resignation, other elections may be called by the board of trustees at any time thereafter, on like notice; and the trustees then in office shall serve until their successors shall be elected.

SEC. 5. Said college shall not be sectarian in character, nor under the control of any religious body or denomination.

Section repealed.

SEC. 6. Section six of "an act to incorporate the female normal institute and high school at Milwaukee," and any and all other parts of the act last named which may conflict with any of the provisions of this act, are and the same are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 16, 1855.

Chapter 64.

An Act to authorize the Supervisors of the town of Oconomowoc, in the county of Waukesha, to borrow money for the use of said town.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to borrow money.

SEC. 1. The supervisors of the town of Oconomowoc, in the county of Waukesha, be and they are hereby authorized to borrow, for the use of said town, any sum or sums of money, not exceeding two hundred and fifty, ($250,) dollars, and to make in the name of said town, any pledge or security binding the same and the property thereof, that they the said supervisors may deem proper and advisable to secure the payment of such sum of money so borrowed and the interest thereon.

SEC. 2. This act shall take effect from and after its passage.

Approved February 16, 1855.

Chapter 65.

An Act to authorize the city of Sheboygan to borrow money for the purpose of improving the harbor at the mouth of the Sheboygan River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That Asahel P. Lyman, Joseph L. Moore and James R. Hawkins of the city of Sheboygan, and their successors, are hereby appointed a board of commissioners for the purpose of improving the harbor at the mouth of the Sheboygan river in the city of Sheboygan.

Shall appoint certain officers.

SEC. 2. Said commissioners shall appoint one of their number treasurer, and shall also appoint a secretary whose duty it shall be to keep a record of all the doings of said board and such other duties as said board shall require.

Meetings.

The first meeting and all subsequent meetings thereof shall be at the city of Sheboygan, at such times and places as said board shall direct. No meeting of said commissioners shall be held without a previous notice shall

be given to each of them, of the time and place of such meeting: *Provided*, Any two of said commissioners may transact any business authorized to be done by said board of commissioners, in all cases where the other commissioner shall not attend a meeting of said board after having had due notice of the time and place of such meeting, and all such cases the secretary shall enter in his records of the doings of said board, a certificate that such absent member of said board was duly notified of the time and place of such meeting, which certificate shall be evidence in all courts of the fact that such notice was given. Proviso.

SEC. 3. Said commissioners are hereby authorized to borrow twenty thousand dollars on the credit of the city of Sheboygan, to be expended by them in improving the harbor at the mouth of the Sheboygan river; said loan to be for a term of not less than five nor more than fifteen years, at such rate of interest not exceeding ten per cent per annum as shall be fixed by said commissioners. Authorized to borrow money for improving harbor.

SEC. 4. Said commissioners to secure the payment of said loan, are hereby authorized to issue bonds for twenty thousand dollars in the name of the city of Sheboygan, in sums not less than one hundred dollars, as said commissioners shall deem expedient; said bonds shall be signed before issued by said commissioners or by two of them, by the secretary of said board of commissioners, and countersigned by the mayor of the city of Sheboygan. Said bonds when signed and countersigned as aforesaid, shall be in the hands of any *bona fide* holder of the same, full and complete evidence, both in law and equity, to establish the indebtedness of said city of Sheboygan according to the tenor and effect of said bonds: *Provided*, That no bonds shall be issued except by order of a majority of said commissioners made at a meeting of said board of commissioners and entered upon the records of their proceedings. Commissioners to issue city bonds. Proviso.

SEC. 5. It shall be the duty of said commissioners, on or before the first day of July in each year, to give notice to the treasurer of the city of Sheboygan, of the sum that will become due, for interest or principal or both, upon the bonds of said city, issued by them as aforesaid, for the ensuing year, and of the time when and the place where the same is payable. Duty of commissioners.

SEC. 6. It is hereby made the duty of the common council of the city of Sheboygan to levy an annual tax upon all the taxable property within the corporate limits Duty of common council.

of said city, to be collected in cash in the same manner that other taxes are collected, sufficient to pay the annual interest upon said sum of twenty thousand dollars or so much thereof as shall be borrowed by said commissioners, and in the year in which the principal sum borrowed or any part thereof shall become due, it shall be the duty of said common council to levy an additional tax upon all the taxable property within said corporate limits to be collected in cash in the manner aforesaid to pay the principal sum or sums due on said bonds.

How money to be expended.

SEC. 7. Said board of commissioners shall expend all moneys borrowed by them in the manner aforesaid, in the improvement of the harbor at the mouth of the Sheboygan river; and shall make an annual report to the common council of said city of Sheboygan of all their receipts and disbursements, and of their progress in the improvement of said harbor, and shall cause a copy of said report to be published in each of the newspapers published in said city.

SEC. 8. Said commissioners shall have power to enter into contracts with any person or persons for the performance of the work, and the furnishing of materials necessary for the improvement of said harbor, and any other contract or contracts, which may be necessary for the purpose of carrying out the objects and intentions of this act. All contracts entered into by said commissioners shall be made in the name of the "Sheboygan City Harbor Commissioners," and shall be signed by said commissioners or by two of them, or by some person duly authorized by a vote of the majority of said commissioners at a meeting of said commissioners.

Commissioners to negotiate bonds.

SEC. 9. Said commissioners shall negotiate all bonds issued by them under the provisions of this act, for the best prices they can obtain for the same, and shall receive nothing in exchange for said bonds except cash, or labor and materials for the improvement of said harbor, nor shall said commissioners, pay for any such labor or materials except in cash or said bonds.

Duty of mayor.

SEC. 10. It is hereby made the duty of the mayor of the city of Sheboygan to countersign all bonds presented to him by said commissioners not exceeding the sum of twenty thousand dollars in all, which shall be issued by said commissioners under the provisions of this act in the name of said city of Sheboygan. And said mayor shall cause the clerk of said city to keep a correct register of all bonds so countersigned by him.

SEC. 11. It shall be the duty of the treasurer of said city of Sheboygan to pay the interest and principal which shall become due upon the bonds of said city issued under the provisions of this act out of any moneys coming into his hands for that purpose at such time and place as shall be specified in said bonds. Duty of treasurer.

SEC. 12. When any vacancy shall occur in said board of commissioners, by the resignation, death or removal from said county of Sheboygan, of any of said commissioners, said vacancy shall be immediately filled by an appointment made by the remaining two commissioners, such appointment to be made in writing on the records of the proceedings of said board signed by said commissioners making such appointment, and in case a vacancy should at any one time occur, in the places of any two of said board of commissioners, the fact of such vacancies shall immediately be certified by the remaining commissioner of said board, to the common council of the city of Sheboygan. And it shall be the duty of said common council forthwith to fill said vacancies by an election of two competent freeholders of the city of Sheboygan. How vacancies shall be filled.

SEC. 13. Said commissioners shall receive no pay for services performed by them under this act.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved February 16, 1855.

Chapter 66.

An Act to authorize Barret Williams and Benjamin Thomas to keep and Maintain a ferry across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Barret Williams and Benjamin Thomas their heirs, executors, administrators and assigns shall have the exclusive right to establish, keep and maintain a ferry across the Wisconsin River, upon or opposite to township eight, north of range three, east. Authorized to keep a ferry.

SEC. 2. Such ferry shall be subject to such regulations as other ferries according to law are subject to; and no ferry shall be licensed within two miles above and below the point where said ferry shall be established.

Rules of ferriage.

SEC. 3. The said Barret Williams and Benjamin Thomas shall be entitled to demand and receive for ferrying every vehicle drawn by two or more horses or oxen the sum of forty cents; for each vehicle drawn by one horse, twenty-five cents; for each head of horses, cattle or mules ten cents; *Provided*, That hogs and sheep shall not be charged more than five cents each, and foot passengers not more than ten cents.

Proviso.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, February 16, 1855.

Chapter 67.

An Act to amend Chapter 86 of the Private and Local Statutes of 1854, entitled "an act to incorporate the Beloit Female Seminary."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section amended.

SECTION 1. Section four of said act is hereby amended so as to read instead of "six trustees," "not less than six nor more than twenty-one trustees."

SEC. 2. Section six of said act is hereby amended by adding thereto as follows: And eight of said trustees shall be a quorum to transact business at all regular meetings of the same.

SEC. 3. This act shall be in force from and after its passage.

Approved February 16, 1855.

Chapter 68.

An Act to vacate a part of the village of Fairplay in Grant County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the plat of the village of Fairplay as is situated on the east half of the north-west quarter of section twenty-five (25,) in town one, (1) north, of range two west, of the fourth principal meridian, in Grant county be, and the same is hereby vacated. Part of plat vacated.

SEC. 2. This act shall not be construed so as to vacate, alter or in any manner effect public roads located on or across said plat, nor in any manner to interfere with a full, perfect and complete right of way to and from the church situated upon a part of said plat.

SEC. 3. This act shall be in force from and after its passage.

Approved, February 16, 1855.

Chapter 69.

An Act to amend an act entitled an act to incorporate the "South Line an Wausau Plank Road Company," approved March 29, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The capital stock of said company is hereby increased to the sum of one hundred and fifty thousand dollars. Capital stock increased.

SEC. 2. Section eight of said act is hereby so amended as to allow said company to construct said road from Steven's Point, in Portage county, via Wausau, in Marathon county, to some point on the state line, in Marathon county, near the head waters of the Ontonagon river. Section amended.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February, 16, 1855.

Chapter 70.

An Act to lay out and establish a State Road from Weyauwega, via Ogdensburgh, to Wausau.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That A. V. Bolch, Caleb S. Ogden and Philip D. Marshall, be and they are hereby appointed commissioners to lay out a state road from the village of Weyauwega, in Waupacca county, through the village of Ogdensburgh, in said county, to the village of Wausau, in the county of Marathon, on the most direct and practicable route; and shall receive for their services two dollars for each day they are actually engaged in the laying out of the said road, to be paid by the counties through which said road passes, and provided that no part of the expenses of laying out the said road shall be paid out of the state treasury.

Compensation.

SEC. 2. That the said commissioners shall within six months after the passage of this act commence the laying out of the said state road.

SEC. 3. This act shall take effect immediately after its passage.

Approved February 16, 1855.

Chapter 71.

An Act to authorize the the Board of Supervisors of the town of Janesville to construct a bridge across Rock River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the town of Janesville, in the county of Rock, are hereby authorized to construct and maintain a bridge across Rock River on or near the line between sections ten, and fifteen of said town. Said bridge not to be less than twelve (12) feet wide.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 16, 1855.

Chapter 72.

AN ACT to amend an act entitled "an act authorizing the town of Benton, La Fayette County, to make out a new assessment roll in said town for the year 1854."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the board of supervisors of the town of Benton, in the county of La Fayette, in the State of Wisconsin, by virtue of the power vested in them by section forty-seven of chapter twelve of the revised statutes, shall forthwith appoint an assessor temporarily, in and for said town, (there being a vacancy) and it shall be the duty of the assessor so appointed, in addition to the ordinary duties of assessor, to perform all the duties required to be performed in making a new assessment roll in and for said town, by the said act of which this is an amendment. Board of supervisors to appoint assessor.

SEC. 2. That all the property in the town of Benton, both real and personal not exempt by law shall be listed and assessed for taxation.

SEC. 3. That this act shall take effect after its passage and publication, and the public printer shall publish the same immediately after its passage.

Approved, February 24, 1855.

Chapter 73.

An Act to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporate limits extended.

SECTION 1. The corporate limits of the city of Milwaukee are hereby extended so as to include the whole of sections fifteen and sixteen, and the south-half of section seventeen, in township number seven, north of range twenty-two east, and of the additional territory, so included; all of section fifteen, and so much of section sixteen as lies east of the Milwaukee River, shall constitute and be a part of the first ward of said city; and all of said section sixteen, lying west of the Milwaukee River, and the south-half of section seventeen shall constitute and be a part of the second ward of said city; and the additional territory hereby included in the corporate limits of the city of Milwaukee, shall be taxed in the same manner that other lands mentioned in section twenty-three, of chapter eight of the act of which this amendatory, are taxed, *Provided however*, That should any street or streets through said lands be ordered graded, and side-walks thereon to be constructed, then the expenses of constructing such street and side-walks, shall be chargable to the lands on either side fronting on such street, and shall be certified to, assessed and collected, and the collection thereof enforced by sale in the same manner as the expenses of constructing streets and side-walks in other parts of the city, are now charged and collected by law.

Proviso.

Power of common council.

SEC. 2. The common council shall have power and are hereby authorized to vacate, in whole or in part, such highways, streets, alleys and public walks within the corporate limits of the city, as in their opinion, the public interest may require, or such as in their opinion are of no public utility, *Provided however*, The necessity of vacacating any such highway, street, alley or public walk, or any part thereof, shall first be established by a verdict of a jury in the same manner as is provided for laying out public squares, grounds and streets in chapter six of the act of which this is amendatory; all of the provisions of said chapter, so far as the same are applicable hereto, are hereby adopted as a part of this act.

Proviso.

SEC. 3. The Aldermen of the first ward of the city of Milwaukee are hereby authorized and empowered to construct a bridge across the Milwaukee river from Johnston street in the first ward, to the Humbolt plank road in the second ward, and to defray the expenses of the first construction of said bridge or the rebuilding of the same at any time thereafter it shall be the duty of the common council to levy a tax upon the taxable real estate of the first ward, and upon lots eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven and eighty-eight, on the west side of the Milwaukee river, in section twenty-one and upon the lots on the west side of the Milwaukee river, in section sixteen, in township number seven, north of range twenty-two east. The plan and specifications for said bridge to be made, and the work to be let by contract in the same manner as other city work is now required to be done by law. And when said bridge shall be completed it shall be under the control of, and kept in repair by the city in the same manner as the other bridges across the Milwaukee river, in said city. Aldermen empowered to construct the bridge.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, February 21, 1855.

Chapter 74.

An Act to authorize School District number three, in the Town of Lancaster, Grant County, to levy a special tax to build a School House.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. School district number three in the town of Lancaster, in the county of Grant in said state, is hereby authorized, at any general or special meeting of which due notice is given, to raise a sum not exceeding two thousand five hundred dollars, to be levied and collected in the same manner as other assessments and taxes are levied and collected in said district, for the purpose of purchasing a site, and erecting and finishing a suitable building for common schools therein; and said sum may be levied and School district authorized to levy tax.

collected in any one or more years, as the said district shall determine at any such meeting.

Authorized to borrow money.

SEC. 2. Said district by its district board is authorized to borrow said sum of money, so voted to be raised at such meeting, at any interest not exceeding twelve per cent. payable at such times, and in such installments, as said board and the lender may agree upon; and said district shall be bound by such agreement, and may secure said sum of money and interest by mortgage of any of its property, real or personal.

SEC. 3. This act shall take effect from and after its passage.

Approved February 21, 1855.

Chapter 75.

An Act to amend an act, entitled "an act to incorporate the Swedes Iron Company," approved March 30th, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to increase capital stock.

SECTION 1. The act to incorporate the Swedes Iron Company, approved March 30th, 1854, is hereby so amended as to increase the capital stock of said company in the additional amount of twenty four thousand shares of stock of one hundred dollars each, to be subscribed for and taken in such manner as shall be directed by the directors of said company.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 21, 1855.

Chapter 76.

An Act to incorporate the Wisconsin Natural History Association.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. Leonard J. Farwell, William Dudley, Samuel Sercomb, Increase A. Lapham, Philo R. Hoy, Constantine A. Barry, James G. Percival, Edward Daniels and such other persons as may from time to time become members, shall be and hereby are constituted a body corporate and politic, by the name of the "Wisconsin Natural History Association," and by that name they shall have perpetual succession, shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and may have a common seal, with power to alter the same from time to time; and shall be capable of purchasing, taking, holding, and enjoying, to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels, and personal estate, and of selling, leasing or otherwise disposing of the said real or personal estate, or any part thereof, at their will and pleasure: *Provided*, That the clear annual income of such real estate shall not exceed the sum of ten thousand dollars; *and provided further*, That the funds of said corporation shall be used and appropriated to the promotion of the progress of the natural sciences in this state, and for no other purpose. Corporators. Proviso.

SEC. 2. That the said association shall from time to time, forever hereafter, have power to make, constitute, ordain, and establish such constitution, by-laws, rules and regulations as they shall judge proper, for the election of their officers; for prescribing their respective functions, and the mode of discharging the same; for the admission of new members; for the government of the officers and members thereof; for collecting annual contributions from the members towards the funds thereof; for regulating the times and places of meeting of the said society; for suspending or expelling such members as shall neglect or refuse to comply with the constitution, by laws or regulations; and for the managing or directing the affairs and concerns of the said society: *Provided*, Such constitution, by-laws, To make constitution, by-laws, &c. Proviso.

rules and regulations be not repugnant to the constitution and laws of this state or of the United States.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 21, 1855.

Chapter 77.

An Act to extend the time of opening books of subscription to the capital stock of the Green Bay and Lake Superior Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time for opening books extended.

SECTION 1. The books of subscription to the capital stock of the Green Bay and Lake Superior Railroad Company, shall be opened at the United States Hotel in the city of Green Bay, on the first Monday of May, 1855, under the direction of a majority of the commissioners as may be present, and shall continue open from day to day until a sufficient number of shares of stock shall be subscribed to authorize the organization of said company; *Provided*, that if the books of subscription shall not then be opened, the commissioners may appoint another day on which to open said books, giving thirty days notice thereof by publication in a newspaper printed in the county of Brown.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 21, 1855.

Chapter 78.

An Act to amend chapter 175, of the private and local statutes of the state of Wisconsin, entitled "an act to amend an act to incorporate the city of Fond du Lac, approved March 19th, 1852."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The city council of the city of Fond du Lac are hereby empowered and authorized at such times as they may deem proper, to levy special or general taxes upon the taxable property of said city, for the purpose of building necessary bridges across the Fond du Lac River in said city. Such taxes shall be levied and collected in the same manner as other city taxes are by law authorized to be levied and collected. But whenever special taxes for the purpose aforesaid shall be needed, the provisions of Sec. 4, of chapter 5th, of the act to which this is amendatory shall be followed in voting the same: *Provided however*, that the taxes raised by virtue of this act, shall in no year exceed three mills on the dollar of the assessed value of the taxable property of said city. Powers of common council. Proviso.

SEC. 2. Section 3, of "chapter fifth" of the act to which this act is amendatory is hereby amended, by adding after the words "*two mills*," in the third line of said section three, *on the dollar*, and also by adding to said section after the last line thereof, and also not exceeding five mills on the dollar per annum, for roads and street purposes, said last mentioned tax to be levied and collected at such time or times as said council shall determine. *Provided however*, that all the ward taxes to be collected in any one year shall not exceed five mills on the dollar of the assessed valuation of said ward. Chapter amended. Proviso.

SEC. 3. All provisions of the act to which this is amendatory requiring a residence in said city for six months previous to an election to entitle a person to vote thereat, or requiring any person to swear to any such residence, are hereby repealed. Repealing clause.

SEC. 4. The last sentence of section two, of "chapter fifth" of the act to which this is amendatory, is hereby so amended that it shall read as follows: But such tax shall not exceed three mills on a dollar per annum on the assessed value of such property. Section amended.

SEC. 5. The city treasurer of the city of Fond du Lac, shall receive for his services as such treasurer the fees now Fees of treasurer.

Proviso. provided by law. *Provided however*, that he shall not appropriate to himself in any one year a greater amount thereof than five hundred dollars, and all fees which may be in any manner paid to him beyond the aforesaid sum, shall go into the city treasury and become and be a part of the funds of the said city, subject to be appropriated by the city council in the same manner as other general funds of said city.

Section repealed. SEC. 6. The words in section two, of chapter eighth, of the act to which this is amendatory, "When there are buildings upon any lot or parcel of land, the value of the same shall be set forth in a separate column," are hereby repealed. And it shall not hereafter be necessary to assess the building separately from the land when the same are a part of the realty.

City printing. SEC. 7. The office of city printer in said city shall be and the same hereby is abolished; and the city council of said city shall in all cases hereafter advertise proposals for and shall let to the lowest bidder all printing necessary to be done for said city, and all affidavits and verification of the fact of publication of any notice, ordinance or by-law, may be made by any person doing such printing, or by the foreman in any office in which such printing may have been done, and such affidavits shall be received in evidence in the same manner and shall in all respects have the same force and effect as if made by the city printer previous to the passage of this act. Proviso. *Provided*, that said city council may cause the necessary publication of all notices, ordinances and by-laws, in all the newspapers published weekly in said city, at a cost not exceeding the legal rates for publishing the same matter in one such paper. All the provisions of the act to which this act is amendatory, contrary to or inconsistent with the provisions of this act are hereby repealed.

Time of holding charter election. SEC. 8. The annual charter election of the city of Fond du Lac, shall hereafter be held on the first Tuesday of March in each year, instead of the first Tuesday of April as heretofore required by law.

SEC. 9. This act shall be published and take effect immediately.

Approved February 24, 1855.

Chapter 79.

An Act to incorporate the Young Men's Institute of the City of Portage.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Milo H. Pettibone, H. B. Anderson, H. S. Haskell, H. W. Tenney, L. S. Dixon, Decatur Vandercook, F. Stebin, A. C. Ketchum, Jno. Brittain, C. G. McCoullock, H. M. Haskell, Geo. H. Hand, John A. Chandler and D. K. Tenney, and such persons as may hereafter become associated with them, are hereby constituted a body corporate and politic, by the name of "The Young Men's Institute of the City of Portage," for the purpose of establishing and maintaining literary and scientific lectures, and other means of moral and intellectual improvement.

Object of association.

SEC. 2. The corporation hereby created may acquire by purchase, gift, devise, or otherwise, and hold, transfer and convey real and personal estate to the amount of twenty thousand dollars, and may also further acquire, hold and convey all such books, cabinets, library, furniture and apparatus, as may be necessary for attaining the objects and carrying into effect the purposes of the said institute.

Officers.

SEC. 3. The officers of said institute shall be consist of a president, a vice president, a corresponding secretary, a recording secretary, a treasurer, and a board of five managers, who together shall constitute an executive committee, in whom shall be vested the direction and management of the affairs and concerns of the institute.

Officers, when elected.

SEC. 4. The officers of said institute shall be chosen by ballot on the third Wednesday of September, in each year, and shall hold their offices until their successors are duly elected and qualified. Ten days' previous notice of the annual election shall be given in the newspapers of the city of Portage, by the recording secretary of the institute.

Power to make by-laws, &c.

SEC. 5. The said corporation shall have power to make from time to time such by-laws, rules and regulations as shall be judged expedient and proper for the election of officers, prescribing the duties and functions of the same, and the mode of discharging these duties; for the government of the association; for the admission of new members; for regulating the admission fees and annual rate of contribution to the funds of said association; for appointing the times and places for meeting; for suspending or

expelling such officers and members as shall neglect or refuse to comply with said by-laws, rules and regulations, and for managing the general affairs of said institute, and for filling vacancies that shall for any reason occur in the offices of the institute.

SEC. 6. The estate, property and funds of the said corporation shall be devoted solely to the general purposes and objects specified in the first section of this act.

SEC. 7. The first annual election shall be held on a call made by a majority of the members mentioned in this act.

Approved February 24, 1855.

Chapter 80.

An Act supplementary to an act to incorporate the Milwaukee Mechanics Mutual Insurance Company, approved, February 18th, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Damage to members of the company, and proceedings to be had thereon.

SECTION 1. In case of any loss or damage by fire, happening to any member upon property insured in and with said company, the said member shall give notice thereof in writing to the secretary of said company within twenty days from the time such loss or damage may have occurred; and the directors of said company, upon examination and view of the testimony taken, or to be taken, in relation to such loss, may within thirty days after notice of such loss as aforesaid, either allow the whole of such claim, or in part, or may reject the whole; and if the claimant is not satisfied with the determination of the directors of said company, for the time being, the matter may be submitted to three referees, if the parties can so agree; one of which referees shall be selected by each of the parties in interest, and the third by the referees so agreed upon; and after a hearing before the referees, selected as aforesaid, and said referees shall make and certify their determination in the matter to the secretary of said company, and to the claimant or claimants, and such determination shall be final in the matter, if submitted as aforesaid; but in case no agreement shall be made be-

tween the parties for a reference as above mentioned, the party insured may bring an action against said company for such loss or damages, at the next or some succeeding term of the circuit court, to be holden in and for the county of Milwaukee, in the State of Wisconsin; and if upon the trial of said action, a greater sum shall be recovered than the amount allowed by the directors of said company such claimant shall have judgment therefor against said company, with interest thereon, after ninety days from the time such loss or damage happened, with the costs of suit by law allowed; but if no greater amount shall be recovered than the amount allowed on such claim by the directors of said company, the claimant or claimants in any such suit shall become non-suit, and the company shall recovert heir costs: *Provided, however*, That judgment may be entered against said company in any such suit for the amount allowed by the directors, without costs, and execution may issue for such amount at any time after ninety days from the rendition of such judgment. Proviso.

SEC. 2. The directors of said company by a vote of a majority of the board, may authorize the president and secretary of said company, to borrow, from time to time, on the faith and credit of said company, any sum of money necessary, not exteeding in any one year, the sum of two thousand dollars for the purpose of paying losses, or any losses which may accrue to the members of said company; and if any sum of money shall be borrowed for the purpose aforesaid, it shall be, and hereby is made the duty of the directors of said company, immediately thereafter, to levy an assessed tax, pro rata, on the premium notes then in force, for the amount necessay, to pay any such sum or sums of money borrowed as aforesaid, together with the incidental expenses of collecting the same, and the property insured shall be, and hereby is, pledged for the payment of any such amount borrowed. Company may borrow money.

SEC. 3. The rates of insurance shall be from time to time fixed and regulated by the board of directors, and premium notes therefor, and such per centage of cash as shall be required, shall be received from the insured: such notes shall be paid at such time and in such manner as the company shall from time to time require: and at the expiration of of the term of insurance, the said notes, or such part of the same as shall remain unpaid, after deducting all losses and expenses during the term shall be Rates of insurance.

relinquished and given up to the makers thereof. The company shall have power, in their discretion to make any and all insurance, which by law they are, or may hereafter be authorized to make, to any person or persons with whom they may agree to that effect, for a specific rate of premium to be paid in cash, in the same manner as insurance companies other than mutual insurance companies, are accustomed to do; and in all such cases, the insured shall not become members of the company, nor be in any wise entitled to any share of the profits, premiums or earnings; nor in any wise liable for the losses, debts or liabilities of the said company; and all premiums received for such insurance shall be passed to the general credit of the company; and all losses growing out of said special policies, shall be paid in like manner as losses under the ordinary policies of the company. All stockholders, or persons having notes in the company shall be liable to any person or persons receiving special insurances, as provided in this section, in the same manner as they are under the ordinary insurances; and it shall be lawful for said company to loan such portion of their money on hand, as shall not be wanted immediately, for the purpose of said company or corporation; to be secured by bond and mortgage on real estate, of double the sum loaned, above all incumbrances, for a term of time not exceeding one year, the interest to be paid half yearly: and in default of such payment, the principal as well as the interest to become immediately due and collectable.

Directors.

SEC. 4. After the next annual election the board of directors of said company shall consist of nine members, three of whom shall be elected for one year; three for two years; and three for three years; and annually thereafter, three directors shall be elected for the term of three years.

SEC. 5. It shall be lawful for said company to insure, besides buildings (as provided in section two of an act to incorporate the Mechanics Mutual Insurance Company, approved, February 18th, 1852,) household furniture, stock and grain.

Approved, February 24, 1855.

Chapter 81.

An Act for the relief of School District No. 5, in the town of Viroqua.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SEC. 1. The treasurer of school district number five in the town of Viroqua and county of Bad Ax, is hereby authorized to collect the tax voted at the last annual meeting in said district in the manner that town treasurers are now authorized by law to collect taxes. The tax list therefor, and the warrant attached thereto, shall be made out by the district clerk, and the proceedings shall be according to the provisions of chapter nine teen of the revised statutes, as contained therein, before its repeal. Duty of treasurer.

SEC. 2. This act shall take effect from and after its passage.

Approved February 24, 1855.

Chapter 82.

An Act to incorporate the Hesperian Society of the University of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Randall W. Hanison, Geo. W. Perry, Alfred W. Lathrop, Richard W. Hubbell, William F. Vilas, T. D. Coryell, S. W. Botkin, and their associates and successors, are hereby created a body corporate, by the name of the "Hesperian Society of the University of Wisconsin," and by that name to remain in perpetual succession, for the purpose of establishing and maintaining a library, instituting literary and scientific debates and lectures, and providing other means of moral and intellectual culture, with power for such purpose to take by purchase, devise or otherwise, to hold, transfer and convey real and personal property to the amount of thirty thousand dollars; also further to take, hold and convey all such books, cabinet, libraries and furniture as may be necessary or expedient for attaining the objects and carrying into ef- Corporators. Object of association.

fect the purposes of said corporation; and also further in their corporate name to sue and be sued, to defend and be defended, to appear and prosecute all actions and causes to final judgment in any court of law or equity; to have a common seal, and to alter the same at pleasure; and to establish for its government a constitution, by-laws and regulations, consistent with the laws of this state, for the government of said corporation, and for the due and orderly conduct and regulation of its affairs, and the management of its property.

SEC. 2. The control and disposal of the funds, property, and estate, and general management of the affairs and concerns of the said corporation, subject to the direction and restrictions contained in its constitution, by-laws, and regulations shall be vested in a board of directors, to consist of the president, secretary and guardian of the said corporation, who shall be elected to their respective offices by such members of the said corporation, as are constitutionally entitled to a vote.

Officers.

SEC. 3. The several officers of the said society at the time of the passage of this act, shall continue to hold their respective offices, as officers of the corporation hereby created, until their successors be elected and qualified, and all property or funds now held by said officers or either of them, other any orperson or persons, in trust for the said society, or for the use or benefit of the same, and including all sums of money due to the said society, ora ny officers thereof, for the use or benefit of said society, shall by virtue of this act vest in and become the property of, and may be sued for, and recovered upon, and in the name of the corporation hereby created; and the said corporation shall assume and be liable for all contracts, agreements and responsibilities which have been entered into or incurred previous to the passage of this act.

SEC. 4. The present constitution and by-laws of said society, so far as the same are consistent with the constitution of the United States, and of the State of Wisconsin, and the provisions of this act, shall continue in force, and govern and be binding upon the corporation hereby created: subject, however, to the right of the said corporation to alter or amend the same.

Funds devoted to this purpose.

SEC. 5. The estate, property and funds of the corporation hereby created shall be devoted solely to the general purposes and objects specified in the first section of this act, and the personal property of said corporation, and the

real estate which may be acquired by the said corporation shall be actually occupied by it for the purposes for which it was incorporated shall be exempt from taxation.

SEC. 6. This act shall take effect from and after its passage.

Approved, February 24, 1855.

Chapter 83.

An Act to amend section one, of chapter two of an act entitled "an act to amend an act to incorporate the city of Fond du Lac, approved March 23, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one, of chapter two of an act entitled "an act to amend an act to incorporate the city of Fond du Lac, approved March 23, 1854," is hereby amended so as not to require ten days previous notice by the city council of the time and place of holding the annual election and the city and ward officers to be elected, during the year one thousand eight hundred and fifty-five, but a notice of three days for the present year shall be sufficient, which shall be posted in two of the most public places in said city. Section amended.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 26, 1855.

Chapter 84.

An Act to amend the charter of the Howard, Oconto and Menomonee Plank and Gravel Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SEC. 1. The "Howard, Oconto and Menomonie Plank and Gravel Road Company," are hereby authorized to extend their road from Howard to Lake Michigan at or near Authorized to connect with any other road.

Twin Rivers, or to unite with any other company heretofore chartered in the construction of a road to run over any portion of the route herein before indicated.

SEC. 2. Said company is also authorized to construct a branch of their road on the most direct and convenient route to Lake Shawano.

SEC. 3. This act takes effect from its passage.

Approved February 24, 1855.

Chapter 85.

AN ACT to incorporate the Racine Gas Light Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Company incorporated, and powers.

SECTION 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, by the name and style of the Racine Gas Light and Coke company, and by that name shall be capable in law of sueing and being sued, and pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, may have a common seal and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real, personal, or mixed, for the use and benefit of said corporation.

Capital stock.

SEC. 2. The capital stock of said corporation, shall be one hundred thousand dollars, in shares of fifty dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company direct.

Powers of corporation.

SEC. 3. Said corporation shall have power and full and exclusive authority to manufacture, make and sell gas, to be made from any and all substances or combinations thereof, from which any inflamable gas is obtained for the purpose of lighting the city of Racine or the streets thereof or any building, manufactories, public places, or houses

therein contained, and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets or avenues; *Provided*, that no permanent injury shall be done to any street, highway, lane or alley in said city. Proviso.

SEC. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three, nor more than nine directors, who shall be elected annually and who shall respectively be stockholders in said corporation, and who shall be elected by the stockholders at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote and may be cast by the holder thereof, or by proxy duly authorized. All such elections shall be by ballot and the person receiving the majority of the votes cast, shall be directors, and when any vacancy shall happen from any cause, it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of said corporation; the number of directors and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws. Directors, and mode of election.

SEC. 5. The directors shall annually after their election elect one of their number president, whose duty it shall be to preside at the meetings, and in case of his absence at any meeting, the directors present may elect a president pro tem.; the directors shall have power to make and prescribe such by-laws, rules and regulations respecting the management of the property concerns, business and stock of said corporation, as they may deem expedient and proper. All meetings for the transaction of business for the corporation shall be held at their office, which shall be located in the city of Racine, and the manner and times of calling meetings shall be prescribed by the by-laws of said company; the directors shall have power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company and may remove the same at pleasure, and fix the compensation and define the duties of all officers; they shall have power to decide the time, manner and proportions, in which the stockholders shall pay the money due or an equivalent therefor on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall also have power to appoint a time certain each year for the election of directors, but such election shall always be held at the office of said company, Powers and duties of directors.

upon notice to the stockholders of not less than thirty days before such election, published in one newspaper in the city of Racine: *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any future time upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Proviso.

Subscription books to be opened.

SEC. 6. Books of subscription of the capital stock of said company shall be opened at the Baker House, in said city of Racine, on the first Monday of April next, under the inspection of H. S. Durand, George Northrop, Charles Herrick, John G. Conroe, George Wustum, N. D. Fratt and A. P. Dutton, as commissioners, and a majority of whom may keep said books open from day to day, until, at least, ten thousand dollars of said stock be subscribed for, when the said commissioners may deliver to such subscribers said books, and the said subscribers shall then proceed to elect the board of directors as herein provided for; but, ten days notice shall be required for said election, and such directors when so elected shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed one hundred thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter, be increased by a two-third vote of the said directors at a regular meeting thereof, to any amount not in whole however exceeding the said sum of one hundred thousand dollars.

Penalty for injuring property of company.

SEC. 7. If any person shall wilfully do or cause to be done, any acts whatsoever to injure any machine, pipe, or structure or anything appertaining to the works of said corporation whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being convicted shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year, or both,

Proviso.

Provided, Such criminal prosecution shall not in any way impair the right of said company for damages by civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of said corporation, in any court of the state having competent jurisdiction of the same.

Authorized to borrow money.

SEC. 8. The said corporation are hereby authorized and empowered in their corporate capacity, to borrow any sum

or sums of money from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name all necessary notes, bonds, writings or other papers and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation for all purposes in carrying out the objects of this company, and the official acts of said company are hereby declared binding in law and equity upon said corporation, and upon all other parties to such contract.

SEC. 9. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof; and the works of said company shall be completed within two years from the date of the organization of said company.

SEC. 10. This act shall take effect from and after its passage.

Approved February 24, 1855.

Chapter 86.

An Act to authorize school district number six, in the town of Magnolia, Rock county to assess and collect a certain sum of money voted to be raised by said district at its last annual meeting.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town clerk of the town of Magnolia, Rock county, is hereby authorized and required to assess according to provisions of law the sum of three hundred dollars voted by district number six, in said town at its last annual meeting, for completing its school house and liquidating its outstanding liabilities. Duty of town clerk.

SEC. 2. The town treasurer of said town of Magnolia is hereby required to collect and pay over according to provisions of law the sum assessed as provided in the preceding section. Duty of town treasurer.

SEC. 3. This act shall take effect from and after its passage.

Approved, February 24, 1855.

Chapter 87.

An Act to amend an act entitled "an act to incorporate the village of Appleton, in the county of Outagamie." Approved March 29, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

changed. SECTION 1. Section one of the act of which this is amendatory, is hereby amended by striking out, after the words "thirty-four," in said section, the words "thence running east along the subdivision line of section thirty-four, to the left bank of Fox river, thence down stream along side left bank of Fox river," and inserting in place thereof the following: Thence running south to the southerly bank of Fox river, thence easterly along said south bank of Fox river to a point where the Fox and Wisconsin river improvement canal intersects said river, thence along the center of said canal.

SEC. 2. This act shall take effect and be in full force from and after its passage.

Approved, February 24, 1855.

Chapter 88.

An Act to authorize the construction of a dam across the Milwaukee river

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to build a dam. SECTION 1. George W. Foster, his successors, associates, heirs and assigns are hereby authorized to build and maintain a dam across the Milwaukee river, on section twenty eight, town twelve, range twenty-one east of the fourth principal meridian; also to erect mills and other machinery, or in any other manner make use of the water for hydraulic purposes: *Provided*, The erection of the dam, shall not flow the land of others than the said Foster and his associates, unless such others shall consent, or have consented thereto. Proviso.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 24, 1855.

Chapter 89.

An Act to vacate a portion of the plat of Farwell's addition to the village of Madison.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the plat of Farwells addition to the village of Madison lying north-west of Winnebago street and west of North street, is hereby vacated.

SEC. 2. All that portion of the road on the plat of Farwell's addition to the village of Madison that runs through the piece of land containing lots 13, 14, 15 and 16, is, as far as it is circumscribed by said lots, hereby vacated.

SEC. 3. This act shall take effect and be in force, from and after its possage.

Approved, February 24, 1855.

Chapter 90.

An Act declaring Wolf River in the county of Kewaunee navigable

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the stream commonly called Wolf River, in the county of Kewaunee as lies in township twenty-five and twenty-six, north of range twenty-five east, is hereby declared a navigable stream, and all laws applicable to meandered streams within this state shall apply to such part of said Wolf River.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 24, 1855.

Chapter 91.

An Act to incorporate Big Foot Academy.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That O. P. Hull, Amos Bailey, Cyrus Church, H. W. Randolph, P. W. Lake, Benjamin Clark, C. L. Douglass, Robert L. Rodman, Charles H. Gilbert, Wm. Bell and their associates and successors, are hereby declared and constituted a body corporate by the name and style of Big Foot Academy, to be located at or near the village of Walworth, in the county of Walworth, for the purpose of educating youth of both sexes.

SEC. 2. Said corporation shall have power to open books for the subscription of stock, to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; it shall have a common seal, and may altered and renew the same at pleasure; shall have power to acquire, purchase, receive, possess, hold and enjoy property, personal and real, not exceeding twenty thousand dollars in value, and to sell, convey, rent, or otherwise lawfully dispose of the same at pleasure.

Stock to be transferable.

SEC. 3. The stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as shall be prescribed in its by-laws.

Special meeting.

SEC. 4. Any three of the above named persons shall have power to call a meeting of said association by giving ten days notice thereof, by posting up notices it at least three public places in the town of Walworth, where said corporation is hereby located.

Election of trustees.

SEC. 5. At the first legally notified meeting, the stock holders shall have power to elect by ballot, nine trustees, three of whom shall be elected for one year, three for two years, and three for three years, and after the first election, three trustees may be elected annually: *Provided always*, That all trustees shall hold their office until others are elected in their place.

Proviso.

SEC. 6. At all elections and meetings of the company, each stock holder shall be entitled to one vote for each share of stock owned by him.

SEC. 7. The trustees shall have power, first, to elect from their number a president, secretary and treasurer, also to elect all other officers of the corporation; second, to call special meetings of the stock holders, to fill vacancies in the board of trustees; third, to sell, lease, mortgage or otherwise dispose of any property of said corporation in such a manner as shall be directed by the stock holders; also to erect and keep in repair, all necessary buildings for the use of said corporation; fourth, to employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in said academy; fifth, to prescribe the duties, and fix the salaries of all the officers of said corporation, and remove or suspend them from office for incapacity, immoral conduct or misbehavior in office, and to appoint others in their places; sixth, to make all rules, regulations, and by-laws, necessary, and proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of the state. Duties and powers of trustees.

SEC. 8. No religious test or qualification shall be required of any trustee or officer of said corporation, nor of any student of said institution.

SEC. 9. School shall not be taught in said institution on the first or seventh day of the week.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved, February 24, 1855.

Chapter 92.

An Act to incorporate the Portage City and Newport Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Andrew Dunn, Hugh McFarland, John Jay, Edward Tolles and Jonathan Bowman be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Portage City and Newport plank road company, and they may cause books to be opened at such times and places as they shall direct; for the purpose of Commissioners appointed to receive capital stock.

receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking subscriptions, by publishing the same in a newspaper in Portage City, in the county of Columbia.

SEC. 2. All persons who shall become stockholders, pursuant to the provisions of this act, are hereby created a body corporate in law, by the name and style of the Portage City and Newport Plank Road Company, for the purpose of constructing a plank or gravel road from Portage City to the village of Newport, in the county of Columbia:

Proviso. *Provided*, Said road shall not be constructed south of the north terminus of the Fort Wienebago and Duck Creek plank road; which company shall have power to sue and be sued in all courts, to receive by gifts or purchase, and hold all such, real or personal estate as may be necessary for the construction and management of said road, and the same to sell and convey or lease, to contract or be contracted with in all matters pertaining to the objects of said road; to have and use a common seal, and pass all by-laws necessary for the government of said company.

Capital stock. SEC. 3. The capital stock of said company shall be twenty five thousand dollars, to be divided into shares of twenty-five dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company; and the officers of said company shall be managed by a board of directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by their proxies duly authorized, and in all elections, and in the discussions of all questions, acted upon at any meeting of the stockholders, each share of the stock shall be entitled to one vote, and the majority of the votes cast shall govern, excepting in elections, when the nine persons having the greatest number of votes cast for directors, shall be declared duly elected.

Commissioners to give notice of election of stockholders. SEC. 4. Whenever five thousand dollars of the capital stock of said company shall have been subscribed, and ten per cent. paid thereon to said commissioners for the use of said company, the said commissioners, or a majority of them, shall give at least twenty days' notice in a newspaper printed in Portage City, in the county of Columbia, of the time and place of the meeting of the stockholders, for the purpose of electing nine directors, who shall hold their office for one year, and until their successors are elected; and thereafter the annual election for said directors shall be holden on the first Tuesday in January of

each year: *Provided*, That whenever there shall be a vacancy in said board of directors, the said directors then holding, or a majority of them, shall have power to fill the same: *And provided further*, That in case of a failure to hold said annual meeting, and to elect directors as aforesaid, this charter shall not be forfeited, but a special meeting may at any time thereafter be called for the purpose of electing directors; by giving like notice as is required to be given for the first election under this charter; and the directors so chosen at such special meeting shall proceed in the discharge of their duties in the same manner as if they had been elected at a regular annual meeting, and shall hold their offices until the next annual meeting, and until their successors shall be elected. Proviso.

SEC. 5. The board of directors shall organize by choosing one of their number president, and by appointing a secretary and treasurer, and when so organized shall have the right to locate and construct a single or double track plank or gravel road, between the points mentioned in the second section of this act, or any part of the distance; the track of said road shall be constructed of timber and plank, gravel and stone, or a part of each, so as to have a hard, smooth and even surface; the particular manner of building said road, to be determined by the board of directors. Board of directors.

SEC. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have power to contract with the supervisors of the town in which said road may be, for the right to use such highway for the purpose of said road; and the supervisors of such towns are hereby authorized to grant to said company the right to use any highway in their town as aforesaid, on such terms as they may agree upon. Location of road.

SEC. 7. It shall and may be lawful for said company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying and locating said road, doing thereto no unnecessary damage; nor locating any such route through any orchard or garden without the consent of the owner thereof, nor through any building or any fixtures or erections for the purpose of trade or manufactures, or any yard or inclosure necessary to the use and enjoyment thereof, without permission from the owners; and when said route shall be determined by the said company it shall be lawful for them, their officers, agents, en- May enter upon lands.

gineers, contractors and servants at any time to enter upon, take possession of, and use such lands to the width of four rods; and also to take from any lands adjoining said road, gravel, stone, or earth, for the purpose of constructing or repairing said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereafter directed and provided in case of lands.

How damages settled.

SEC. 8. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road, any land upon which said road may be erected, and the owners thereof shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for any injury that may be done to such lands by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside within the county of Columbia. The expenses incurred by such appraisers shall be defrayed by the company. But if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such lands shall refuse or neglect to join in such appointments within twenty days after the requisition for that purpose upon him made, or if the owner shall be under legal disability, or out of the state, then it shall be lawful for the judge of the circuit court of the circuit in which such land lies, on application of either party, and at the cost and charges of said company, to appoint three disinterested persons of said county to view and examine said land, and estimate the injury and damage, if any, in their judgment will be sustained as aforesaid, by reason of the location and construction of said road, and report the same, under oath or affirmation, to the circuit court of said county, which report being confirmed by said court, judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day each for their services, to be paid by said company, in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of such land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: *Provided*, That in case the owner of such land be under any legal disability, the cost of such assessment shall be paid

Proviso.

by said company: and it shall be the duty of the appraisers in estimating such damages to take into consideration the advantages that may accrue to the owner of such lands from the construction of said road: *Provided, further,* That either party may appeal to said court within thirty days after such report may have been filed in the clerks office, and such appeal shall be tried as other issues arising in said court: *And provided, further, also,* That upon payment, or tender of payment, of the sum specified in the report of said viewers or appraisers to the owners of said lands, or a deposit of the same for their benefit, with the clerk of the circuit court of said county, the said company may immediately take and use the same without waiting the issue of said appeal.

Directors may appoint certain officers.

SEC. 9. The directors of said company may appoint a secretary, treasurer, and such other officers as they may find necessary, and shall have power to decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person failing to pay any installment so required to be paid, after advertisement of the same, for a period not less than sixty days, in a newspaper, as hereinbefore provided: *Provided,* That no installment called in at any one time shall exceed five dollars per share, and that no installment shall be called by the directors without giving at least thirty days' notice in the newspaper aforesaid.

Penalty for manner in which

Directors to issue certificates to stockholders.

SEC. 10. The directors elected as aforesaid, shall issue a certificate to each stockholders for the number of shares he or she shall subscribe for, or hold in said company, signed by the president and countersigned by the secretary, and sealed with the common seal, subject, however, to all the payments due and to become due thereon, which stock may be transferable in person or by his attorney, executors, administrators, guardian, or trustees, under such regulation as may be provided in the by-laws of the company.

To make annual statement.

SEC. 11. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year, and special meetings of the stockholders may be called by order of the directors, or by any number of stockholders holding one-fourth in amount of the capital

stock of the company, on like notice as is required for annual meetings; but no business shall be transacted at such special meeting unless a majority in value of all the stock be there, and there represented.

SEC. 12. On the completion of said road, or any portion of the track, not less than three consecutive miles, the company may erect one or more toll-gates upon said road, but not at a less distance than five miles apart, and may demand and receive such tolls as from time to time they may think reasonable, not exceeding two cents per mile for any vehicle drawn by two animals, one cent per mile for every additional animal; for every horse and rider, or led horse, one cent per mile; for every twenty sheep or swine, and for every twenty neat cattle, one cent per mile: *Provided*, That persons going to and from military parade, at which they are required by law to attend, and persons going to and from funerals, and persons going to and returning from public worship on Sunday, shall be exempt from tolls. The toll gatherer at each gate, when erected on said road in pursuance of this act may detain and prevent from passing such gate any animals or carriage subject to toll until the same is paid.

Rates of toll.

Proviso.

SEC. 13. If any person shall wilfully and knowingly, obstruct or break, injure or destroy the road so to be constructed by said company, or any part thereof, or any work or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction in said county.

Penalty for damage to road.

SEC. 14. The debts and liabilities of said company shall not exceed in amount, at any time, fifty per cent. of its capital actually paid in, and if debts and liabilities shall at any time be increased to a greater amount than by this section provided for, the directors of said company shall be jointly and severally liable for such excess, in addition to their other liabilities in law, as provided for in this act.

SEC. 15. The directors of said company at any annual or special meeting of the stockholders with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company, as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

SEC. 16. If said company shall not within two years from the passage of this act, commence the construction of said road, and shall not, within ten years from the passage of this act, construct, finish and put in operation, a single or double track of said road from Portage City to Newport aforesaid, then the rights, privileges and powers of the said corporation under this act, shall be null and void. How charter forfeited.

SEC. 17. Said company shall be liable for all injuries or damage which any person may sustain in his or her person or property, by reason of said road being out of repair, or of any defects in said road. Liability for injury

SEC. 18. This act shall be favorably construed to effect the purposes thereby intended, and the same is declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

SEC. 19. This act may be amended or altered by any future legislature of the state of Wisconsin, and shall be in force and take effect from and after its publication.

Approved February 24, 1855.

Chapter 93.

An Act to extend the time for collecting taxes in the town of Howard, Oconto County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for collecting the taxes in the town of Howard, Oconto county, is hereby extended to the first Monday of April next, and that the clerk of the Board of Supervisors of Oconto county, is hereby authorized to collect and make return of the taxes in said town of Howard, the said clerk shall be liable and under like penalties as town treasurers are by law for such purposes.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 24, 1855.

Chapter 94.

An Act to provide for a state road from Appleton to the Great Bend of Oconto River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. Reeder Smith, John Steppins, and Frederick Packard are hereby appointed Commissioners to lay out and establish a state road, from Appleton, in Outagamie county, on the most direct and practicable route to the Great Bend of the Oconto River, in Oconto county.

SEC. 2. If any of the commissioners appointed by this act, shall, from any cause, be unable to perform the duties hereby required, then, and in such case, they are hereby authorized to appoint a substitute; *Provided*, That no part of the expense of laying out said road shall be paid out of the state treasury.

Proviso.

Approved, February 24, 1855.

Chapter 95.

An Act to incorporate the Waukesha Female Seminary.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That there be established and located in the Town of Waukesha, Waukesha county, an institution of learning, by the name and style of "The Waukesha Female Seminary."

Created a body corporate.

SEC. 2. That Malcom Sellars, Owen R. Bacon, Russell N. Kimball, George C. Pratt, Michael Newton, Alfred Castle, Jacob L. Bean, and their associates and successors be, and they are hereby created a body politic by the name and style of "The Waukesha Female Seminary Association," by which name, they and their associates and successors shall forever be known and declared, and shall have succession and power to acquire, receive, purchase, possess, hold, retain and enjoy in deed and in law, to them-

selves and their successors, property, real and personal and mixed, and the same to sell, grant or convey, rent or otherwise dispose of, at pleasure, for the purpose of education, and no other: *Provided*, The amount of real estate owned by said association shall at no time exceed twenty-five thousand dollars; and they shall have power under said corporate name to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts and places, in all suits, actions, complaints and causes, whatsoever, and they shall have a common seal, and may alter the same at pleasure.

Stock transferable.

SEC. 3. The stock of said association shall consist of shares of fifty dollars each, which shall be deemed personal property, and be transferable on the books of said association, in the usual manner.

SEC. 4. The association shall have power and authority to make and adopt such rules, regulations and by-laws as may be necessary to secure efficiency: *Provided*, They do not conflict with the constitution of the United States, or with the laws of this State.

Affairs managed by board of trustees.

SEC. 5. The business relations of said association shall be managed by a president, secretary and treasurer, who with four others, members of the association, duly elected, shall constitute a board of trustees, and four of said trustees shall constitute a quorum for the transaction of business. They shall be elected annually, on the third Thursday of August, in each year, by the association, and shall hold their offices for one year, and until others are chosen in their places. The election shall be by ballot, and each stockholder shall be entitled to one vote for every share owned by him or her. Votes may be given in person or by proxy. All meetings of the association shall be called by the trustees, or a majority of them, by publishing a notice thereof two weeks successively, in a newspaper issued in said town, or by posting up notices in four public places in said town, two weeks previous to said meeting. All meetings of the association shall be held in the village of Waukesha.

SEC. 6. The persons named in this act shall be the first board of trustees.

Powers of trustees.

SEC. 7. The trustees of the association shall have power and authority to fill vacancies that may occur in their number, to sell, lease, mortgage, or otherwise dispose of any real or personal property of said association, in such manner as they may direct; also, under their direction,

to erect and keep in repair all necessary buildings for said association; to employ suitable teachers and prescribe the course of study and discipline in the seminary.

SEC. 8. The said trustees and their successors shall have power and authority to grant such literary honors and degrees as are usually granted by colleges and seminaries of learning in the United States, and in testimony of such grants, to give suitable diplomas under their seals, which diplomas shall entitle the possessor respectively, to the immunities and privileges which, by usage or statute, are allowed to the possessors of similar diplomas granted by colleges and seminaries of learning.

SEC. 9 This act shall take effect from and after its passage.

Approved, February 24, 1855.

Chapter 96.

AN ACT to authorize school district No four, (4,) of the town of Sullivan Jefferson county, and state of Wisconsin, to raise a special tax.

The People of the state of Wisconsin represented in Senate and Assembly do enact as follows:

District authorised to raise tax.

SECTION 1. It shall be lawful for the qualified electors of school district number four, (4.) in the town of Sullivan, Jefferson county, and state of Wisconsin, at any annual or special meeting of said district, to levy on the taxable property of said district, a tax not to exceed five hundred dollars, ($500,) for the purpose of building a school house in said district.

District board to call meeting.

SEC. 2. The district board shall have power to call a special meeting in said district at any place they may deem most convenient; and before meeting to levy such tax, it shall be the duty of the clerk of said district, under the direction of the district board, or upon application of any five of the qualified electors of said district, to post up three notices in said district, in the most public places, stating the time and place of holding said meeting; and such district meeting, when assembled, shall be organized in the same manner as district meetings are

usually organized; and shall have power to levy the tax specified in section first of this act, and of adjourning from time to time to carry out its intentions.

SEC. 3. It shall be the duty of the clerk of said district, within ten days after the levying of said tax, by the qualified voters of said district to apportion the same upon the taxable property of said district, in equal ratio, upon the valuation, as appears in the last preceding assessment roll of said town. Duty of clerk.

SEC. 4. If the district board or any elector of said district, shall discover that any portion of the lands of said district subject to tax was omitted in the last preceding assessment roll, it shall be the duty of the said district board to add the same to the list of property of said district, at its relative value, and the lands so added shall be subject to the same relative proportion of tax as other lands in said district.

SEC. 5. It shall be the duty of the clerk of said district as soon as the tax list is completed, to annex thereto his warrant, as provided in section seventy of chapter nineteen of the revised statutes, and to commit the same to the treasurer of said district for collection.

SEC. 6. It shall be the duty of the treasurer of said district, upon the receipt of said tax list, to collect the same in obedience to the requirements of said warrant, and if any portion of said tax remain unpaid at the expiration of the time limited in said warrant, it shall be the duty of said treasurer, within five days thereafter, to return the same to the town clerk of his town, as required by section seventy one of chapter nineteen of the revised statutes, and the town clerk, upon the receipt of said list, shall proceed in the same manner as is provided by said chapter nineteen, in relation to unpaid school district taxes; and no repeal, modification or change of said statute which has been or shall be made, shall in any manner effect the validity of the proceedings under this act. Duty of treasurer.

SEC. 7. This act shall take effect from and after its passage.

Approved, February 24, 1856.

Chapter 97.

An Act for the removal or transfer of certain recorded maps from Racine to Kenosha County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Register of Deeds of Kenosha county, shall be and is hereby authorized to demand and receive from the Register of Deeds of Racine county, all plats or maps, on file or record in his office, of villages in the county of Kenosha; said maps or plats to be transferred to and kept of record in the office of the Register of Deeds of Kenosha county.

SEC. 2. This act shall take effect on its passage.

Approved February 24, 1855.

Chapter 98.

An Act to authorize the laying out of a graded state road from Sextonville, in Richland county, to Viroqua, Bad Ax county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. E. M. Sexton, Robert Wilson, and Josiah McKaskey, be and they are hereby appointed commissioners to lay out and establish a state road from Sextonville in Richland county, by way of Richland Centre, Fancy Creek and Kickapoo Post Offices, in said county, to Viroqua, in Bad Ax county; *Provided*, Said road be laid out so that no part thereof shall exceed five degrees of elevation from a horizontal line, except when crossing streams and ravines, where, by bridging and moderate filling the grade thereof, may be preserved within the limits aforesaid.

Proviso.

Compensation.

SEC. 2. The commissioners appointed by this act shall upon the performance of the work, in compliance with section first, of this act, be entitled to such compensation for their services as the supervisors of the counties where such services are performed shall deem just and proper.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1855.

Chapter 99.

An Act to incorporate the Wisconsin Land Oil Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Created body corporate.

SECTION 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns shall be and are hereby constituted a body politic and corporate, by the name and style of the Wisconsin Land Oil Company, and by that name shall be capable in law of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; may have a common seal and alter the same at pleasure; and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal, for the use and benefit of said corporation: *Provided*, The real estate to be held by this company, at any one time, shall never exceed in value, the sum of one hundred thousand dollars.

Capital stock.

SEC. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed to be personal property, and may be transferred in such manner as the by-laws of the company may direct.

Powers.

SEC. 3. Said corporation shall have power to manufacture lard oil, and all other oils, sterine candles and other wares appertaining thereto as they may deem proper, and to sell or dispose of the same at pleasure; may construct dams, canals, waterways and reservoirs, flumes and races on any lands which are now or hereafter may be owned by said company, or on the lands owned by any other person or persons, first obtaining the written consent of the owner or owners thereto; may erect buildings and machinery to be moved by water or other power; may in their corporate capacity and name make and execute to any person or persons, or body politic or corporate, any and all writings, notes, bonds, or other papers of any kind and amount as security for the loan of any money borrowed by said company of any such person or persons, or body politic or corporate, and for any legal rate of interest that may be agreed upon between the parties: *Provided*, The ope-

pany," and by that name shall have perpetual succession.

SEC. 2. The said "Afton Manufacturing Company" shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of this state, having competent jurisdiction; and shall have a common seal, and may alter the same at pleasure, and by the corporate name of said company, shall be capable of purchasing, holding, leasing, mortgaging and conveying any real or personal estate, water, water power, rights or franchises whatever, which may be deemed necessary by said corporation to carry on the business for which said company shall be organized, or to carry into effect the provisions of this act: *Provided*, The real estate to be held by this corporation at any one time shall not exceed fifty thousand dollars.

Proviso.

Powers of association.

SEC. 3. The said company is hereby declared to be incorporated, and shall be organized for the purpose of proceeding under an act entitled "an act to authorize the construction of a dam across Rock river," approved February seventh, one thousand eight hundred and fifty, and the act amendatory thereto, to build and maintain a dam, raceway, bulk-head, and such other works as may be deemed necessary or convenient for improving and using the water-power of Rock river, in the town of Rock, in the county of Rock, mentioned in said acts, and for the purpose of building gates, flumes, waste weirs, mills and manufacturing establishments on and near said dam and water-power, and also for the purpose of purchasing, leasing and selling the real estate or other property owned or to be owned by the said individuals or the said company, at or near the site of the said water-power, and the water and water-power so to be improved, and the dam, raceway, bulk-head, gates, flumes, waste weirs, mills and manufacturing establishments, or other works so to be erected.

Capital stock.

SEC. 4. The capital stock of said company shall be twenty-five thousand dollars, and shall be divided into shares of one hundred dollars each; and the commissioners hereinafter mentioned shall organize said company as hereinafter directed, whenever six thousand dollars of the capital stock of said company shall have been subscribed for.

Affairs to be managed by board of directors.

SEC. 5. The stock, property, and concerns of said company shall be managed by a board of five directors, who shall, respectively be stockholders in such company, and who shall, except the first year, be annually elected by

the stockholders, at such time and place, and in such manner as shall be directed by the by-laws of the corporation.

SEC. 6. Public notice of the time and place of holding such election shall be given in such manner as shall be prescribed by the by-laws of the corporation, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy.

SEC. 7. All elections shall be by ballot, and each stockholder shall be entitled to one vote for each and every share of stock by him owned, and upon which all assessments made by the directors as hereinafter provided have been duly paid, and the persons receiving the majority of votes shall be declared the directors, and when any vacancy shall happen in the board of directors, by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of said corporation. Elections, how conducted.

SEC. 8. In case it shall happen at any time that an election of directors shall not be made on the day fixed for such election by the by-laws of said corporation, the corporation shall not, for that reason, be dissolved, but it shall be lawful on any other day to hold an election for directors, as shall be provided for by the said by-laws. And the directors in office at the end of any year, shall continue to hold such office until their successors shall be duly elected.

SEC. 9. The board of directors, or a majority of them, shall have power, at any regular or special meeting, to make and prescribe such by-laws, rules and regulations respecting the management, control and disposition of the stock, property and business of such company, as they may deem expedient and proper, not inconsistent with the constitution and laws of the United States, or this state, and shall have power to appoint and employ officers, clerks and servants, for conducting and carrying on the business of such corporation, and determine their duties and the salaries and wages to be paid them. Powers of directors.

SEC. 10. It shall be lawful for the board of directors to call in and demand from the stockholders respectively all such sums of money by them severally subscribed, at such time and in such payments or instalments as the directors shall deem proper; and if any stockholder shall fail to pay the amounts so required to be paid, and at the times required for such payments, the stock of such delin- Instalments, how paid.

quent stockholders may be declared forfeited to such company, in such manner as shall be prescribed by the by-laws of such company; or the said corporation may commence and prosecute, in any court of competent jurisdiction, an action against any subscriber for stock in said corporation, and recover judgment for the amount due on his subscription, with interest thereon, from the time the same was required to be paid, and have execution therefor.

SEC. 11. The stock of said corporation shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as shall be prescribed by the by-laws of the corporation, but no shares shall be transferable until all previous calls for instalments thereon shall have been fully paid in.

Subscriptions how received.

SEC. 12. The persons named in the first section of this act, or a majority of them, shall be commissioners under whose direction books shall be opened for subscriptions to the capital stock of said company—such subscriptions to be made at the time or times and in the manner directed by such commissioners—and when the amount of six thousand dollars shall have been, in good faith, subscribed, the subscribers for such stock shall proceed to elect, by ballot, five directors of said company, who shall hold their offices respectively until the first Monday of January, one thousand eight hundred and fifty-six, and until their successors shall have been duly elected.

Board of directors.

SEC. 13. The board of directors shall elect one of their number president of said company; they shall also elect secretary and a treasurer thereof, and may require of said officers such security for the faithful performance of their respective duties, as may, by said board of directors, be deemed necessary for the interests of said corporation.

Quorum.

SEC. 14. A majority of the board of directors of any legal meeting, shall constitute a quorum for the transaction of the business of said company.

SEC. 15. All conveyances, leases and contracts executed by said company shall be signed by the president and secretary thereof, and shall be under the seal of said company, and may be acknowledged by said president and secretary, and recorded in the same manner and with the like effect as conveyances, leases and contracts from individuals.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved, February 28, 1855.

Chapter 101.

An Act to provide for laying out a state road from Neshkoro to Grand Rapids

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. Ebenezer B. Dakin, Asa Swain and John Compton are hereby appointed commissioners to lay out and establish a state road from Neshkoro, via Sonora to Grand Rapids. Commissioners appointed.

SEC. 2. The counties through which the said road shall pass, shall pay a reasonable compensation for laying out the same: *Provided*, That no part of such compensation shall be paid out of the state treasury. Proviso.

SEC. 3. This act shall take effect from and after its passage.

Approved February 28, 1855.

Chapter 102.

An Act to authorize George Divoll and his associates and assigns to construct and maintain a bridge across Black River, in the county of Jackson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. George Divoll and his associates and assigns are hereby authorized to construct and maintain a toll bridge across Black river, in the county of Jackson, on or near lots number two and six, in section twenty nine, or tract number six, section thirty, and lots number three and four, section nineteen—all in township number nineteen, north of range five, west of the fourth principal meridian, to and from any land on said sections owned by said Divoll. Authorized to construct bridge.

SEC. 2. Said bridge shall not be less than sixteen feet wide, and shall be so constructed as to give free passage at all times to any raft coming down said river, and to all keel boats or flat boats, running up or down said river, without any hinder and let or delay; and the said George Divoll, his associates or assigns, shall be liable in an action on the case, for any injury, detention or delay, by How constructed.

reason or on account of said bridge, to be recovered in any court of competent jurisdiction.

SEC 3. The said George Divoll, his associates and assigns, shall have power, immediately after the construction of said bridge, to demand tolls passing over said bridge, as follows: For any vehicle drawn by two horses, mules or oxen, forty cents; and for each additional horse, ox or mule, eight cents; for any vehicle drawn by one horse or mule, twenty-five cents; for a single horse, ten cents; for horses or cattle in droves, five cents each; for hogs or sheep in droves, two cents each; for foot passengers, three cents each.

Rates of toll.

SEC. 4. Said Divoll, his associates and assigns, shall keep posted up, in a conspicuous place, the rates of toll allowed by this act.

SEC. 5. Any person or persons committing any malicious injury to said bridge, shall be liable to the said George Divoll, his associates, and assigns, to the amount of injury done; and all damages sustained may be collected before any court having competent jurisdiction thereof; and upon conviction thereof, shall be punished in the manner prescribed by law for offences of that nature.

Penalty for injuring bridge.

SEC. 6. Any future legislature may alter, amend or repeal this act.

SEC. 7. Any person or persons who shall forcibly or fraudulently pass over the said bridge, without paying the legal toll, shall, for each offense, forfeit the sum of five dollars, to and for the use of said George Divoll, his associates and assigns, to be recovered in an action of trespass on the case before any court having competent jurisdiction.

Penalty for fraudulently passing bridge.

SEC. 8. This act shall take effect from and after its passage.

Approved February 28, 1855.

Chapter 103.

An Act to authorize George Divoll and his associates to construct a bridge across Black River in the county of Clark.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to construct bridge.

SECTION 1. George Divoll and his associates and assigns are hereby authorized to construct and maintain a toll bridge across Black River, in the county of Clark, at or near the middle of section line running east and west between sections seven and eighteen, in township twenty-three north of range two west, of the fourth principal meridian, to and from any land in said sections owned by said Divoll.

How to be constructed.

SEC. 2. Said bridge shall not be less than sixteen feet wide, and shall be so constructed as to give free passage at all times to any raft coming down said river, and to all keel boats or flat boats running up or down said river, without any hinderance let or delay; and the said George Divoll, his associates or assigns, shall be liable in an action on the case for any injury, detention or delay, by reason or on account of said bridge, to be recovered in any court of competent jurisdiction.

Rates of toll.

SEC. 3. The said George Divoll, his associates and assigns, shall have power immediately after the completion of said bridge to demand and collect tolls for passing over said bridge as follows: for any vehicle drawn by two horses, mules or oxen, forty cents, and for each additional horse, ox or mule, eight cents; for any vehicle drawn by one horse or mule, twenty-five cents; for a single horse, ten cents; for horses or cattle in droves, five cents each; for hogs or sheep in droves, three cents each; for foot passengers, three cents each.

Rates of toll to be posted up.

SEC. 4. Said Divoll, his associates and assigns, shall keep posted up in a conspicuous place on said bridge, the rates of toll allowed by this act.

Penalty for injuring bridge.

SEC. 5. Any person or persons committing any malicious injury to said bridge shall be liable to the said George Divoll, his associates and assigns, to the amount of injury done, and all damages sustained may be collected before any court having competent jurisdiction thereof, and upon conviction thereof, shall be punished in the manner prescribed by law for offences of that nature.

SEC. 6. Any future legislature may alter, amend or repeal this act.

Penalty for fraudulently passing bridge.

SEC. 7. Any person or persons who shall forcibly or fraudulently pass over the said bridge without paying the legal toll, shall for each offence forfeit the sum of five dollars, to and for the use of said George Divoll, his associates and assigns, to be recovered in an action of trespass or trespass on the case, before any court having competent jurisdiction.

SEC. 8. This act shall take effect from and after its passage.

Approved February 28, 1855.

Chapter 104.

An Act to incorporate the Columbus Collegiate Institute.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Created a body corporate.

SECTION 1. That James T. Lewis, John Q. Adams, Robert W. Earll, Ebenezer P. Silsbee, Chester W. Dean, Joseph S. Manning, William C. Spencer, William W. Drake, William A. Niles, Peter Kanouse, John Elliott and Cyrus E. Rosenkrans and their successors, be and are hereby created a body corporate and politic, with the name and style of the Columbus Collegiate Institute; and the aforesaid corporators shall be trustees of said corporation, and for that purpose to remain in perpetual succession; and shall have power to sue and be sued, to contract and be contracted with, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and to have and use a common seal and alter the same at pleasure. Said corporation shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to sell and convey, or otherwise lawfully dispose of the same at pleasure, not exceeding in value one hundred thousand dollars.

Object of corporation.

SEC. 2. The object of this corporation is to provide for the education, mental and moral discipline, and instruction in literature, science and arts of youth of both sexes, in

said institute; and said corporation may make such rules, regulations and by-laws as they may deem necessary to effect the said object, and which shall not be inconsistent with the laws of this state.

Power and duties of trustees.

SEC. 3. The said trustees and their successors shall from their own number annually elect a president, secretary, treasurer and an executive committee; and shall have power to fill vacancies which may happen in their board; to erect and keep in repair all necessary buildings for the use of said institute; to direct and prescribe the course of study and discipline; to appoint a principal and such professors and tutors and teachers and such other officers as said trustees shall deem proper; all of whom shall hold their offices during the pleasure of said trustees. The said trustees shall also have power to fix the time and place of their meetings, and a majority of their number sahll constitute a quorum for the transaction of business.

SEC. 4. The aforesaid trustees and their successors shall have power and authority to grant such literary honors and degrees as they may deem proper.

Term of office of trustees.

SEC. 5. The term of office of said trustees shall be three years, one-third of whom shall be elected annually; the first board of trustees shall be divided into three classes; the first class shall hold their office one year; the second class two years, and the third class three years; and the offices thus vacated shall thereafter be annually filled by the Fox River Presbytery, of a regular meeting of their body: *Provided, always*, That all trustees shall hold their offices until others are chosen. And in case that the Fox River Presbytery shall hereafter be divided into two or more Presbyteries, then the power herein conferred upon the said Fox River Presbytery, to appoint the aforesaid trustees, shall belong to and be vested in that Presbytery growing out of such division, within whose bounds the above named institute shall be located.

Proviso.

Location of institute.

SEC. 6. The Columbus Collegiate Institute shall be located within one-half mile of the village of Columbus, Columbia county, Wisconsin, and after the same shall have been located, shall not be removed except by a vote of a majority of all the persons who shall have contributed to the erection of the buildings and purchase of lands for said institute.

Library, &c., exempt from taxation.

SEC. 7. The library, apparatus, cabinet, buildings, and lands of the institute (not to exceed ten acres) shall be exempt from taxation.

No test required.

SEC. 8. No political or religious opinion shall be required as a qualification of membership in the institute, and no student shall be required to attend worship with any particular denomination.

First meeting of trustees.

SEC. 9. The board of trustees hereby incorporated shall hold their first meeting under this act on the tenth day of April, 1855, and afterwards shall meet on their own adjournment or upon a call of a majority of said board.

SEC. 10. This act shall take effect from and after its publication.

Approved Februrry 28, 1855.

Chapter 105.

An Act to lay out a state road from Depere, in Brown, to Twin Rivers, in Manitowoc county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION. 1. Thomas Casy, F. E. White, John Patton and John Flaherty be and are hereby appointed commissioners to lay out and establish a state road from the town of Depere, in Brown, over any ground they, or a majority of them, may deem most expedient, to a bridge on the Twin Rivers, in Manitowoc county: *Provided*, The state of Wisconsin shall not be liable for any cost or expense whatsoever in laying out said road.

SEC. 2. A majority of the commissioners, named in this act, shall be sufficient to lay out and establish said road.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved, February 28, 1855.

Chapter 106.

An Act to authorize the laying out of a state road from Montello to Gills' Landing.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Elkanah Smith, Andrew J. Tanner, and Alfred Godfrey are appointed commissioners to lay out and establish a state road from Montello, via. Neshkoro, Mount Morris, Waupacca, and Weyauwega, to Gills' Landing, on Wolf river. Commissioners appointed.

SEC. 2. The said commissioners shall receive a such compensation for their services, from the counties through which the said road shall pass, as the board of supervisors of said counties shall see fit to allow: *Provided* That no part of such compensation shall be paid out of the state treasury. Proviso.

Approved February 28, 1855.

Chapter 107.

An Act to incorporate the Kenosha Female Seminary.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Hiram N. Bishop, Alonzo Campbell, Samuel Hale, Enoch W. Evans, Samuel B. Scott, Josiah Bond, Henry B. Tewsde, Abram Groesbeck, Lucas G. Merrill, George Bennett, Simeon King, Frederick A Marshall, John Parker, together with the rector, wardens and vestrymen of St. Matthew's Church, Kenosha, *ex officio*, and their successors are hereby created a body corporate and politic with the name and style of "The Kenosha Female Seminary," and shall be trustees of said incorporation, to remain in perpetual succession for the purpose of establishing and maintaining in the city of Kenosha, an institution for the education of females, embracing an academical and preparatory department of instruction. Created body corporate.

Powers of trustees.

SEC. 2. The board of trustees shall have power in their corporate name, to sue and be sued, to plead and be impleaded, contract and be contracted with; and to have and use a common seal, which they may alter at pleasure; to acquire, hold, use and convey property, real and personal and mixed, and the same to sell, rent, lease or otherwise dispose of at pleasure for the benefit of the institution; to make all necessary by laws for the due order of their own affairs and for the government of the institution; to fill all vacancies in their own body which may from time to time occur; to remove members of their own body for mal conduct or neglect of duty, by a vote of two thirds of the board; to confer such degrees and other honors upon those whom they may deem qualified, as are usually conferred by similrr institutions in the United States, to direct and prescribe the course of study and discipline in said institution; and to select and appoint a president and such professors and tutors, and such other officers as said trustees shall deem proper, all of whom shall hold their office during the pleasure of said trustees; and to have such further general powers not herein specified, and not inconsistent with the letter and spirit of this act, as are granted to corporations under chapter fifty four of the statutes of Wisconsin entitled "general provisions relating to corporations."

To elect certain officers.

SEC. 3. Said board of trustees shall have power to diminish their number to seven or increase it to twenty, in addition to those who may be *ex officio* trustees, and a majority of its members shall constitute a quorum for the transaction of business. Upon their organization by the election of a President, Secretary and Treasurer, said board of trustees may open books for the purpose, and receive such subscriptions, donations, bequests and endowments as may be offered, and in such manner as they may deem necessary to carry out the objects of the institution.

May borrow money.

SEC. 4. The trustees of said corporation shall have power to borrow on the credit of said corporation any sum or sums of money for the purpose of providing for the payment of the liabilities of said corporation, for the purchase of property necessary for the business of such corporation, and for erecting and furnishing all necessary buildings, and for that purpose said trustees shall have power to execute all necessary bonds, writings, contracts and securities, and also mortgage of the real and personal property of said corporation, which paper may be execu-

ted by the president and countersigned by the secretary of said trustees under their authority.

SEC. 5. The real estate to be held by this corporation at any one time shall not exceed the sum of twenty five thousand dollars.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 28, 1855.

Chapter 108.

An act to incorporate the La Crosse and Black River Falls Railroad Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Samuel J. Smith, John M. Levey, Francis M. Rublee, Cadwallader C. Washburn, George Gale, William J. Gibson, Chase A. Stevens, Herman Greis, Samuel F. Weston, Jacob Spaulding, James M. Garrett, George Carlton, Thomas B. Stoddard, Thomas Riley, Andrew Shephard, William T. Price, Hugh Wedge, James O'Niel, Nicholas Hintzen, Samuel D. Hastings, Peter Burns, Peter Cameron, Edwin Flint, Wm. Hood and James W. Polleys, their sucessors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the name and style of "The La Crosse and Black River Falls Railroad Company," and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, and may take and hold such estates by gift, grant, purchase, devise, or lease; they may make, have and use a common seal, and alter, break and renew the same at pleasure; and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts

Created body corporate.

and things which to any corporations it shall lawfully appertain to do and perform.

Capital stock.

SEC. 2. The capital stock of said company shall be divided into such number of shares of one hundred dollars each, as the directors shall, from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons, as they may designate, giving at least ten days' notice of such times and places, by publishing the same in a newspaper printed either at the village of La Crosse or in either of the counties through which said road may pass, and shall require three dollars on each share of stock subscribed, to be paid at the time of subscribing.

SEC. 3. The said Samuel T. Smith, Francis M. Rublee, John M. Levy, Jacob Spaulding, Chase A. Stevens, Wm. J. Gibson, George Gale, Thomas B. Stoddard, Samuel F. Weston, Herman Grere and Peter Cameron, shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors, elected by the stockholders, as hereinafter provided; and as soon as five hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders; and they shall immediately give not less than thirty days notice, in a newspaper aforesaid, of an election of eleven directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of stockholders for the election of directors, and until others are elected.

Subscriptions, how received.

Affairs of corporation to be managed by directors.

SEC. 4. All of the affairs of said corporation shall be managed by a board of eleven directors, who shall be stockholders, and the board of directors is hereby invested with all the power of the corporation; they shall be chosen annually, by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall, from time to time, prescribe; and the same notice of every such election shall be given as is herein required to be given of the first election of directors.

The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy, duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by laws of the company.—If, for any cause, an election of directors should not be had at the time when, by the provisions of this act, it should be had, the same may be held at any other time, on thirty days notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities, by reason of irregularity or want of any such election.

Quorum.

Powers of directors.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, who shall serve for one year, or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders; and in case of his absence, the directors present may appoint a president pro tem.—The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate; to determine the amount of instalments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any persons failing to pay any instalments, as also all previous payments thereon; and also in their discretion, on the request of any stockholder, to cancel his stock, and to refund to such stockholder the

Power to regulate tolls, &c.

amount paid by him or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, copartnership or corporation, whatever, as the execution and management of the works and the convenience and interests of the company may require: to make any contract or agreement which they may think proper with any other railroad company for the leasing of the whole or any part of any railroad, constructed or to be constructed, by such railroad company, and to lease or sell to any other railroad company, the whole or any part of the railroad of this company; to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution or laws of this state, as they shall think proper, for the well ordering of the affairs of the said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Stock.

SEC. 6. All shares of stock in this company owned by any person, shall be deemed personal property, and shall be transferrable in such manner and form at such place and under such regulations as shall be prescribed by the by-laws of said company.

Special meeting of stockholders.

SEC. 7. Special meetings of the stockholders may be called by an order of the board of directors, or by stockholders holding one fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Power to locate railroad.

SEC. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks, from such point on the Mississippi river, at or near the village of La Crosse, in the county of La Crosse, as shall be determined upon by the board of directors, to Black River Falls, in the county of Jackson, and the said company shall have power to transport, take and carry property and persons upon said road by the power and force of steam, of animals, or any mechanical or other power, or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station-houses, ware-houses, car houses and shops, engine houses and shops, and all other fixtures useful for the

accommodation of said company, and its road and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad; and they shall have power to connect the said road with any other road in this state, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner; and to transport persons and property in boats, vessels and barges on the Black and Mississippi rivers, and to receive and collect reasonable compensation for the same.

Company may borrow money.

SEC. 9. The said company are hereby authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom such money may be obtained, any law in the subject of usury in this State to the contrary notwithstanding; and to make, execute and deliver, in or out of the state, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that may incur in the construction, repair, equipment, or running of said road; and to make, execute, sell and deliver, at private or public sale, in or out of this State, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances; and the powers of the said corporations for the purpose aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporation and upon all other parties to such contracts.

Right to construct railroad.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plank road or railroad, if the same be necessary, but the said company shall restore such highway, road, street, plank road or railroad to its former state, so as not

to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course, at such points of crossings, the same as they may locate the said road, with all necessary abuttments, piers or other foundations.

Company may enter upon any land.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which said lands are located, decide and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses or other fixtures, and grounds about the same for the operation and business of said road, or for making drains, and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided, and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same; and whenever, in the opinion of the company, the same, or any part thereof, shall be no longer necessary for the purposes for which the same was taken, the said company

is hereby authorized to lease or sell the same or any part thereof in fee simple.

How damages settled.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which by the provisions of this act they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same or any lien or encumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien, or encumbrance shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such minor, *non compos mentis*, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall by its agent offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any in such county, such sum as the company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows: viz: The said company may apply to the judge of the circuit court for the sixth judicial circuit, either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable, to such owner, guardian or husband if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another

copy to such owner, guardian or husband, if resident of the county in which such land shall lie, and if not, shall deposite the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies; and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs; and either party may pay within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for the taking and using of the said land, and the court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation so to be ascertained according to the provisions of this section shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or encumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such pro-

ceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or in equity; and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Witnesses, &c.

SEC. 13. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror in any such suit or proceeding, for the reason that such person is a stock-holder in said company.

SEC. 14. On the completion of said railroad, or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property, as they shall from time to time think reasonable.

Penalty for damaging said road.

SEC. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Required to maintain fences along line of road.

SEC. 16. Said company before opening their road through enclosed ground, shall erect such fences as shall preserve such enclosures entire; and shall before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road, through all such enclosed grounds, and shall maintain the same.

Meeting of directors.

SEC. 17. The first meeting of the directors, and of the stockholders of the said company shall be called by at least a majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind, or abolish, any one regulation or by-law, of said company.

How charter forfeited.

SEC. 18. All rights, privileges, and immunities herein granted to said company, shall cease, and terminate at the expiration of five years from the passage of this act, unless said company shall have ten miles of said railroad, in actual and active operation by that time.

SEC. 19. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the state shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved March 3, 1855.

Chapter 109.

An Act to authorize certain towns in the Counties of Rock and Walworth to aid in the construction of a Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Towns authorized to subscribe stock to railroad, and issue bonds, &c.

SECTION 1. The several boards of supervisors of the towns of Hudson, Lafayette, Sugar Creek, Darien and Sharon, in the county of Walworth, of the towns of Clinton, Turtle and Bradford, in the county of Rock are hereeby authorized to subscribe for their respective towns, the following sums to the capital stock of the Racine, Janesville and Mississippi railroad company, to wit: for the said towns of Lafayette and Sugar Creek the sum of fifteen thousand dollars each; and for each of the other of the above named towns the sum of twenty thousand dollars; and to pay for the same in the bonds of said towns respectively, payable on the tenth day of February in the year one thousand eight hundred and sixty-five, with interest payable annually in the city of New York, at the rate of seven per cent. per annum.

SEC. 2. The shares of stock in said railroad company thus taken by said towns and all dividends arising from the same are hereby irrevocably pledged for the payment of the interest and principal of said bonds: *Provided, however*, That the board of supervisors of said towns severally may sell such shares by them subscribed, but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bond.

Stock owned by towns not effected by liens, &c.

SEC. 3. The shares of stock so subscribed for and held by any such town shall not be in any manner effected by any mortgage, lien or incumbrance given or obtained upon such railroad, and in case such railroad shall be sold or in any manner disposed of, to satisfy any such mortgage or lien, such shares of stock held by such towns shall still remain valid and uneffected, and the town shall be entitled to draw the same dividend upon such shares in whosoever hands or control such railroad may be, as if no such sale or disposition had been made.

Duty of supervisors.

SEC. 4. The boards of supervisors of said several towns whenever the same shall become necessary, shall annually levy a tax upon the taxable property of their respective towns sufficient to pay the interest upon such bonds, after deducting the dividends due to said towns on their respective shares of stock.

Supervisors to appoint railroad commissioner.

SEC. 5. The board of supervisors of said towns, respectively, may severally appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of such railroad company, for the election of directors thereof; and each town shall be entitled to cast one vote for every share of stock which said towns shall hold in said railroad company, and in case of the absence of said commissioner, or inability to attend to appoint in writing under his hand, some other person who shall have the same powers.

SEC. 6. No bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said town, voting upon said question, shall vote in favor of the same at an election called within one year after the passage of this act, by the said board of supervisors for that purpose, to be held at the usual place of holding elections in the same several towns. At such election those voting in favor shall vote a ballot having the words inscribed thereon, "For the Railroad," and those voting against shall vote a ballot having the words inscribed thereon, "Against the Railroad." One week's previous

notice of said election shall be given by two or more of the supervisors of the proper town, by notice posted in five public places in each towns, and by publication in a newspaper printed in the county in which any such election shall be called. Said election shall be conducted and the returns thereof made and canvassed in the same manner as at the annual town meetings of said towns.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 2, 1855.

Chapter 110.

An Act in reference to School District No. 1, in the city and county of Kenosha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts of school district legalized.

SEC. 1. That notwithstanding the failure of the legal voters of school district No. 1, in the city of Kenosha, to hold their regular annual meeting in November, 1854, at the hour appointed by law, the proceedings and actions of said meeting, in the election of a district board, and in the voting, levying, and collecing of a tax for the current expenses of the school, are hereby confirmed and declared valid to all intents and purposes, the same as if no informality had occurred, and the treasurer of said district, or of the city of Kenosha, is authorized to levy and collect said tax in the manner now prescribed by law for the collection of school district taxes.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1855.

Chapter 111.

An Act to lay out and establish a state road in the counties of Marquette and Columbia.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. Edward D. Pattingell, Spencer A. Pease and John Delaney are hereby appointed commissioners to lay out and establish a state road from Portage City, in Columbia county, to Packwaukee, in Marquette county, upon the most direct and practicable route.

Compensation

SEC. 2. The said commissioners shall be entitled to receive for laying out said road such compensation as the board of supervisors of Marquette county may deem sufficient: *Provided*, That no part of the expense of laying out said road shall be paid out of the state treasury.

Proviso.

Approved March 3, 1855.

Chapter 112.

An Act providing for special assessors in the city of Racine.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election of assessors.

SEC. 1. At each annual election for city officers in the city of Racine, there shall be elected three special assessors, in addition to the assessor now provided by law to be elected in said city.

Their powers and duties.

SEC. 2. The powers, duties and liabilities of such special assessors shall be the same as those provided for the office of city assessor by the act incorporating the city of Racine and the acts amendatory thereto, except as hereinafter provided.

SEC. 3. The city and ward taxes shall be levied upon the assessment of said special assessors, and all other taxes upon the assessment of said city assessor.

Duties of assessors.

SEC. 4. It shall be the duty of said special assessors in assessing the personal property of any person, to deduct from the amount of such assessment the amount of all

just debts owing by said person, and if any person whose personal estate is liable to taxation shall, at any time before said special assessors shall have completed their assessment, make affidavit that the value of his personal estate liable to taxation, after deducting his just debts, does not exceed the value named in his affidavit, it shall be the duty of such special assessors, to value all such estate at the sum specified in such affidavit, and no more.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 3, 1855.

Chapter 113.

An Act to incorporate the Viroqua Hydraulic Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Created body corporate.

SECTION 1. Henry Nichols, William F. Terhune, Moses Decker, Henry G. Weeden, E. W. Tucker, J. W. Schooley, George F. Haswell, John Gardner, George Pratt, T. H. Crawford, L. L. Radcliffe and Herman Greve, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Viroqua Hydraulic Company, hereby incorporated; and they may cause books to be opened at such time and place as a majority shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving ten days notice of the time and place of taking such subscriptions, by posting the same in four conspicuous places in the town of Viroqua.

Capital stock.

SEC. 2. The capital stock of said company shall be three thousand and five hundred dollars, in shares of twenty dollars each; and as soon as fifty shares or more shall be subscribed and ten per cent paid thereon, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby declared and created a body

corporate and politic, by the name and style of "Viroqua Hydraulic Company," with perpetual succession; and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, personal, real or mixed, so far as the same may be necessary and proper for the construction, extension, management and usefulness of the works of said company, and for the good government of the same; they may have a common seal which they may alter and renew at pleasure, and generally may do all and singular the matters and things which to them it may lawfully appertain to do for the well being of the said corporation.

Affairs to be managed by board of directors.

SEC. 3. The affairs of said company shall be managed by a board of five directors; who shall be chosen by ballot, each share of stock being entitled to one vote, the votes to be given in person or by proxy duly authorized; which directors shall appoint one of their number president, and for the purpose of electing the first directors, the said commissioners or a majority of them, after the stock shall have been subscribed, as provided in the second section of this act, shall give ten days notice by posting the same in three conspicuous places in the town of Viroqua, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing directors; and annually thereafter on the second Monday of January, the stockholders shall meet for electing directors as aforesaid: *Provided*, That none but stockholders shall be elected directors, and that previous to the first election, the commissioners hereinbefore named, shall elect one of their number president, and they may perform all the duties and be invested with all the powers of directors.

Proviso.

Power of directors.

SEC. 4. A majority of said board of directors shall constitute a quorum for the transaction of business. They shall have power to make and establish by-laws, rules, orders and regulations as may be necessary for the management of the affairs of said company; to make such covenants, contracts, and agreements with any person or persons copartnership, or body politic, whatsoever, as the execution and management of the works or the convenience and interest of the company shall require.

Company to build water-works.

SEC. 5. The said company shall have power and the exclusive right and privilege of building water works in the village of Viroqua, in the county of Bad Ax, for supplying water to said village and its inhabitants, to be taken from Bishop's Spring, or any other spring within the distance of five miles from said village of Viroqua, and for making all excavations, and completing such other work as may be necessary to convey water in pipes through all the alleys, highways and commons now in said village or that may be added thereto.

How charter forfeited.

SEC. 6. If the said company shall not within one year from the date of this charter commence the construction of said works and fully complete the same within two years from the commencement of the same, so far as to put them in successful operation, then the rights and privileges and powers of said corporation under this act, shall cease and be null and void.

Neglect to suspend corporation.

SEC. 7. If from any cause an election for directors shall not be held at the time specified therefor, the same may be held at any other time upon ten days notice published as hereinbefore named; and until such election, the directors of the preceding year shall continue to act; and this charter shall not be avoided by reason of any irregularity or want of such election; and in case of vacancy from the death or resignation of any directors, his place may be filled by the board of directors.

May increase capital stock.

SEC. 8. The stockholders holding a majority in value of the stock may, at any annual or special meeting, increase the capital stock of said company to an amount not exceeding eight thousand dollars.

SEC. 9. The property of each individual invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: *Provided*, All debts due the company shall be first paid.

Company authorized to borrow money.

SEC. 10. The said company are hereby authorized, in their corporate capacity, to borrow any sum or sums of money, from any person or persons, corporations or body politic of any kind, and make and execute, in their corporate name, all necessary writings, notes, bonds, or other paper, and make, execute, and deliver such securities in amount and kind as may be deemed expedient by said corporation for all purposes necessary in carrying out the objects of said company; and the official acts of said company are hereby declared binding in law and equity upon

said corporation, and upon all other parties to such contract.

SEC. 11. If any person shall wilfully and knowingly break, injure or destroy, or cause to be done any act whatsoever, and thereby injure, or destroy any building, machinery, pipes or structures of any kind, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine and imprisonment, or either at the discretion of the court: *And Provided*, Such criminal prosecution shall not in any wise impair the right of action of said company for damages by a civil suit hereby authorized to be brought for any such damage or injury as aforesaid, by and in the name of said corporation, in any court having competent jurisdiction. Penalty for destroying property of company. Proviso.

SEC. 12. This act shall be in force from and after its passage; and in case of a violation by the company of any of its provisions, the legislature of the state may resume all and singular the rights and privileges hereby granted.

SEC. 13. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

Approved March 3, 1855.

Chapter 114.

An Act to incorporate the Fond du Lac Gas Light Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Benjamin F. Moore, John B. Macy, Mason C. Darling, Timothy F. Strong, Francis G. Macy, Abram G. Butler, Major J. Thomas and such other persons as may become associated with them as stockholders, their successors and assigns, are hereby created a body politic and corporate by the name of the "Fond du Lac Gas Light Company," with perpetual succession, and by that name shall Created body corporate.

have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable in law of purchasing, holding, using, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary and proper for the construction, extension, management and usefulness, of the works of said company, and for the good government of the same; they may have a common seal and alter and change the same at pleasure.

SEC. 2. The capital stock of said company shall be five hundred thousand dollars, in shares of twenty-five dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company direct.

Powers of corporation.

SEC. 3. The corporation hereby created shall have full power and authority to manufacture and sell gas to be made from any and all of the substances or a combination thereof from which inflamable gas can be obtained, and to be used for the purpose of lighting the city of Fond du Lac, Wisconsin, or the streets, and public parks thereof, also all buildings public and private therein contained, or which may be hereafter erected therein, and to erect all the necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in and along any of the streets or avenues of said city.

Affairs managed by board of directors.

SEC. 4. The property and concerns of said corporation shall be managed and conducted by a board of seven directors: Abram G. Butler, John B. Macy, M. J. Thomas, N. P. Tallmage, Francis G. Macy, Mason C. Darling and B. F. Moore shall be the first directors of said corporation, and shall continue in office until others shall be chosen; the first election of directors shall be held on the second Monday in October, 1857, and annually thereafter in the city of Fond du Lac, at one o'clock P. M. of said day; but if it shall at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made the said corporation shall not for that cause be deemed to be dissolved, but the directors for the preceding year shall in all cases continue to act as such until the election of their successors.

SEC. 5. The said corporation shall have the exclusive privilege of supplying the city of Fond du Lac and its in-

habitants with gas, for the purpose of affording light, for fifteen years from the completion of said works.

Directors to appoint officers.

SEC. 6. The directors of said corporation shall have power to appoint such officers and agents as they may deem necessary, and to prescribe their duties, and take the necessary bonds for the faithful performance thereof, and may from time to time adopt such by-laws and regulations respecting the management of the property concerns, business and stock of said corporation as they may deem expedient and proper; they shall also have power to decide the time, manner and proportions in which the stockholders shall pay the money due (or an equivalent therefor) on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable.

Penalty for injuring property of company.

SEC. 6. If any person shall wilfully do or cause to be done any act or acts whatsoever, to injure any machine, pipe or structure whatsoever, or anything appertaining to the works of said corporation, whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and on being convicted, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding two years, or both: *Provided*, Such criminal prosecution shall not in any wise impair the right of said company for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid by and in the name of said corporation, in any court of the state having competent jurisdiction of the same.

Proviso.

Authorized to borrow money.

SEC. 7. The said corporation are hereby authorized and empowered in their corporate capacity to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and make and execute in their corporate name all necessary writings, notes, bonds or other papers; and make and execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, for all purposes, in carrying out the objects of this company; and the official acts of said company are hereby declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

SEC. 8. This act shall be favorably construed to effect the purposes thereby intended, and shall take effect from and after its passage.

Approved March 3, 1855.

Chapter 115.

An Act to incorporate the Wisconsin Patent Rotary Pump Manufacturing Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That George H. Walker, Russel Wheeler, James B. Cross, Francis G. Tibbits, Leonard J. Farwell, Stephen D. Carpenter, James T. Lewis, Horace A. Tenney, Charles T. Wakeley, Nicholas Britton, and Calvin S. Newton, and all such persons as they may associate with them, are hereby constituted and made a body politic and corporate by the name and style of "The Wisconsin Patent Rotary Pump Manufacturing Company," and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; may have a common seal and alter the same at pleasure, holding and conveying real estate or personal property, for the use and benefit of said corporation.

Capital stock.

SEC. 2. The capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of five hundred dollars each, and shall be deemed personal to be property, and may be transferred in such manner as the by-laws of the company may direct.

Powers of corporation.

SEC. 3. The corporation shall have power to manufacture "Carpenter's Patent Rotary Force Pump," for any purpose, and of any size required for use; and also all necessary pipes, couplings and fixtures for operating said pumps, of iron, brass, copper, lead, or other metal, as the said company may determine; and also all necessary fitting and hose to enable said company to use said pump as a fire engine, &c.; and to sell and dispose of the same at pleasure: may erect buildings and machinery or such manufacturing purposes, to be moved by steam or other power, on any lands which the said company may now or hereafter own, in the cities of Milwaukee, Janesville, Watertown and Fond du Lac, and the villages of Madison and Mineral Point; may, in their corporate capacity, receive, make and execute to any person or persons, or body corporate or politic, any and all writings, notes,

bonds, mortgages, on real or personal property, belonging to said company, in the due prosecution of their business, or as security for the loan of money, borrowed by or due rom said company, to any person or persons, or body corporate, all of which said company is authorized to do. But this section shall not be so construed as to confer banking powers on said company.

Board of directors.

SEC. 4. The property and affairs of said company shall be under the management of a board of directors, of not less than five, nor more than thirteen, who shall annually be elected by a majority of three-fifths of the number of shares of stock of said company, and who shall respectively be stockholders in said company; the said election to be held at such times and places as the by-laws shall prescribe; each share of stock being entitled to one vote, and may be cast by the holder thereof, or by proxy duly authorized; and when any vacancy shall happen, for any cause, it shall be filled for the remainder of the year in such manner as shall be prescribed by the by-laws of the said corporation; the number of directors and the number to constitute a quorum, shall be determined by the by-laws of said corporation.

Powers and duties of directors.

SEC. 5. The said directors, after the election, shall annually elect one of their number president, whose duty it shall be to preside at the meetings of the board, and in case of his absence, the directors present shall elect one of their number president pro tem. The directors shall have power to make and prescribe such by-laws, rules and regulations respecting the management of the property, concerns, business and stock of said corporation, as they may deem expedient and proper, not inconsistent with the laws of this state; all meetings for the transaction of business for the corporation, shall be held at their office, in Madison or Milwaukee, as the by-laws shall prescribe; and the said by-laws shall prescribe the manner and times of calling meetings. The directors shall have power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation and define the duties of all officers appointed by them; they shall have power to appoint a time certain each year for the election of directors, but such election shall always be held at the office of said company, upon due notice to the stockholders, of not less than thirty days' before such election: *Provided*; That if from any cause

such election shall not be held at any time, upon a like notice being given to the stockholders, and the directors of the preceding year shall, in all cases, continue to act until the election of their successors in office.

Subscription books to be opened.

SEC. 6. Books for the subscription to the capital stock of said company may be opened at the office of George H. Walker, in the city of Milwaukee, at any time after the passage of this act, by giving two weeks notice thereof, in two or more newspapers, in the city of Milwaukee and Madison; said books to be wholly under the inspection of George H. Walker and Russel Wheeler, who may keep said books open from day to day, until fifty thousand dollars of stock is actually taken and paid in to said company in cash; at which time the said George H. Walker, and Russel Wheeler may deliver to such subscribers said books of subscription and said subscribers shall then proceed to elect a board of directors, as herein provided for, and said directors when so elected, shall, at their first meeting, provide a code of by-laws, and make such regulations as may be deemed necessary to carry the business of said corporation into immediate practical operation: *Provided*, That nothing be contained in said by-laws and regulations inconsistent with the laws of this state.

Proviso.

SEC. 7. This act shall be deemed to be a public act, and copies thereof published by authority of law, shall be received in evidence in all courts of this state.

Approved March 3, 1855.

Chapter 116.

An Act to vacate certain Alleys in the Village of Shullsburgh, in La Fayette County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Alleys vacated.

SECTION 1. Alley number three between block number thirty-two and block thirty-three, and alley number two, between block number thirty-three and block number thirty-four, which alleys and blocks lie between Harrison street and Clinton street in the village of Shullsburgh, in the

county of La Fayette, in this state, are hereby vacated and from henceforth shall cease to be alleys, and the dedication tion thereof is hereby forever waived, released and abandoned.

SEC. 2. This act shall take effect and after its passage upon being printed by the state printer.

Approved March 5, 1855.

Chapter 117.

An Act for the relief of John H. Williams.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That when John H. Williams shall pay into the state treasury the further sum of seventy dollars with interest from the first day of January, 1855, as provided by the revised statutes for the sale of school and university lands; then the state treasurer is hereby authorized and empowered to give to the said John H. Williams, a receipt in full payment for the north west quarter of the south west quarter of section sixteen, in township number twelve, north of range number fifteen east, in Dodge county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1855.

Chapter 118.

An Act to authorize the laying out of a certain state road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John B. Vliet, Samuel H. Baker and William C. Rood are hereby appointed commissioners to lay

Commissioners appointed.

out and establish a state road from the village of Wisconsin, in Adams county, to the village of Packwaukee, in the county of Marquette, upon the most direct and practicable route.

Compensation. SEC. 2. The said commissioners shall be entitled to receive for laying said road, such compensation as the board of supervisors of said counties of Adams and Marquette may deem sufficient: *Provided*, That no part of the expenses of laying out said road shall be paid out of the state treasury.

Proviso.

Approved March 5, 1855.

Chapter 119.

An Act to incorporate the Ogdensburgh University.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. That Alfred Gardner, E. Holmes, Waller Parker, Lewis Bostido, Benjamin Berdzell, T. T. Townsend, Charles L. German, James Micklejohn, Caleb S. Ogden and Olof E. Dieutzer, their associates and successors, are hereby created a body corporate and politic for educational purposes, in perpetual succession, with the name and title of "Ogdensburgh University," with full power to sue and be sued, plead and be impleaded, hold and convey property, real and personal, have and use a common seal, to alter and renew the same at pleasure, and to adopt such by-laws, not inconsistent with the constitution and laws of the United States and of the State of Wisconsin, as they may deem necessary for the government and discipline of said university: *Provided*, The real estate to be held by this corporation at any one time shall not exceed the sum of one hundred thousand dollars.

Powers of corporation.

Location of university. SEC. 2. The university shall be located at or near the village of Ogdensburgh and may be erected on a plan sufficiently extensive to afford instruction in literature, sciences, arts, as well as the theory and practice of elementary instruction, and in any or all the liberal professions, and

in such manner and at such terms as the board of trustees may deem for the best interest of the institution.

Board of trustees.

SEC. 3. The board of trustees shall consist of not less than ten in number who shall have power to increase the number to twenty-five, and to fill any and all vacancies which may occur by death, resignation or a neglect to serve as such trustee, for more than one year. The members of the board shall be divided into five classes, one of which to go out of office every year, which class shall be determined by lot at the organization of the board, and afterwards trustees shall be elected to serve five years; the first meeting of the board of trustees shall be held at such time and place as may be designated in a call signed by a majority of the members, of which due notice shall be given by publishing the same, for two weeks previous to such meeting, in some newspaper printed in the county of Waupaca, and afterwards on their own adjournments, and in such manner as may be prescribed by the by-laws of said board; and any six members of the same when duly assembled shall constitute a quorum for the transaction of business, and any less number may adjourn from time to time.

Powers of trustees.

SEC. 4. The board of trustees shall have power to devise and execute measures for the establishment and prosperity of said university; to prescribe the course of study in the several departments, to appoint an executive committee, consisting of president, secretary, treasurer and four directors, for the transaction of ordinary business, under the by-laws, and subject to approval of the board; to elect and inaugurate a board of instruction, consisting of a presiding officer, who shall be ex-officio a member of the board of trustees, and a requisite number of professors and tutors; and also, to confer such degrees and to grant such diplomas as are conferred and granted by other universities.

How property to be devoted.

SEC. 5. All funds and property received by the board of trustees by gift or otherwise, shall be faithfully applied as in the judgment of said board will be best calculated to advance the interest of said university, in purchasing grounds, erecting buildings, procuring library and apparatus, erecting endowments for the support of professors, and in paying the salaries of agents, officers and tutors of the university: *Provided, always*, That any donation or bequests made for particular purposes, in accordance with the design of the corporation shall be applied according to the wishes of the donors.

SEC. 6. No political or religious opinions shall be required as qualifications for membership in the university, or its officers, and no student shall be required to attend upon the service of any particular religious denomination.

SEC. 7. This act shall take effect from and after its passage.

Approved, March 5, 1855.

Chapter 120.

An Act to incorporate the Oconto Boom Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Created body corporate.

SECTION 1. That David Jones and his associates and successors, be and they hereby are constituted a body corporate by the name of the "Oconto Boom Company," and may so continue for the space of twenty years, and by that name may sue and be sued, make by-laws not inconsistent with the laws of this state for the management of their corporate concerns, and have and enjoy all the rights of similar corporations.

May erect booms.

SEC. 2. That said company may erect and maintain such a number of booms as may be necessary with sufficient piers on either side, and partly across the "Oconto river," near the mills on said river known as "Jones Mills," in the county of Oconto, for the purpose of stopping and securing logs, spars, square timber and other lumber:

Proviso.

Provided, That said booms shall be so arranged as to permit the free passage of boats and rafts at all times, and if any raft of lumber shall by neglect or accident, be carried into said boom, said boom may be opened so as to take out said raft, if it can be done without injury to the company; otherwise it shall be taken out at the space kept open for the passage of rafts.

Toll.

SEC. 3. Whenever any logs, spars, square timber or other lumber in the log or tree shall be secured and boomed, the said corporation shall be allowed therefor a toll or

boomage of twenty-five cents per thousand feet, solid measure; and they shall have a lien on all logs or timber so boomed or secured, for the payment of boomage.

Proceedings when timber not claimed.

SEC. 4. Whenever any logs shall be thus boomed and secured, and no person shall appear in behalf of the owner thereof to take delivery of the same, and to pay the boomage thereon, the said corporation shall cause said logs to be sawed into lumber, and accurately measured, and after deducting their fees for boomage and the usual rates for sawing, the balance shall be kept by the said corporation, subject to the order or disposition of the owner. The said corporation shall cause to be entered in a book to be kept for that purpose, the different marks on the logs or timber thus boomed and secur d for which no owner shall appear, the number of logs bearing any mark, and the amount of lumber cut from logs bearing such mark or marks, and shall at the close of navigation, in the autumn of each year, deposit in the town clerk's office, in the town where such boom may be situated, a copy of such entries made for that year. The books of said corporation shall at all times be open for the inspection of all persons.

SEC. 5. If any raft of lumber shall by neglect or accident be carried into said boom, it shall not be lawful for the owner, or any person for him, to open said boom at any time for the passage of rafts or logs, without first giving notice to said corporation or their agents.

Approved March 5, 1855.

Chapter 121.

An Act to amend an act entitled "An Act to incorporate the Wisconsin Baptist Education Society."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section amended.

SECTION 1. Section one of the above mentioned act is hereby amended by adding, after the name of "N. E. Chapin," the following names: "J. Root, O. O. Stearns, E. L. Harris, S. Cornelius, A. Miner, A. D. Low, J. T. Westover, O. J. Dearborn, L. C. Draper, P. Work, S. Dearborn, W. E. Smith and S. L. Rose.

SEC. 2. Section two of the act aforesaid, is hereby amended by adding after the words "corporators," the words "shall constitute the first board of trustees, and they for;" and by adding after the word "officers," the following: "The admission of members and associates, and declaring such offices and memberships forfeited;" and by adding at the end of said section, the following: Quorum. "Nine of said trustees shall constitute a quorum for transacting business: *Provided*; The meeting of such board (if less than a majority of all the trustees be present,) shall be held at the office of the society; and such number of nine shall include either the president and recording secretary of said board, or two of the vice presidents, and such secretary; and a majority shall, in all cases, constitute a quorum for the transaction of business.

SEC. 3. All the actings and doings of the present board of corporators of said society, acting as trustees thereof, heretofore had, are hereby ratified and confirmed.

Approved March 5, 1855.

Chapter 122.

An Act to amend an act entitled "an act to incorporate the Portage City and Lake Superior Railroad Company," approved March 11, 1854, and for other purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name and title of said company shall hereafter be known as the Madison, Portage City and Lake Superior Railroad Company.

SEC. 2. An act entitled "An act to incorporate the Madison and Swan Lake Railroad Company, approved March eleventh, eightenn hundred and fifty-one," is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 6, 1855.

Chapter 123.

An Act providing for the election of a Register of Deeds in the county of Ozaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be an election on the first Tuesday of April next, at the usual place of holding elections in the respective towns of said county of Ozaukee, and every two years thereafter, to elect a register of deeds of said county, whose time of service shall commence on the first day of June thereafter. The said election shall be conducted in all respects in the manner now prescribed by the law regulating general elections; and the votes cast at said election shall be returned and canvassed as therein provided. Election for treasurer authorized.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 3. It shall be the duty of the secretary of state to cause this act to be published forthwith, and it shall take effect from and after its passage.

Approved March 6, 1855.

Chapter 124.

An Act providing for the election of sheriff and district attorney in the county of Washington.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION. 1. There shall be an election on the first Tuesday of April next, at the usual place of holding election, in the respective towns of said county of Washington, and every two years thereafter, to elect a sheriff and district attorney of the said county, whose term of service shall commence on the first day of June thereafter. The said election shall be conducted in all respects in the manner now prescribed by the law regulating general elections; Election for sheriff and district attorney authorized.

and the votes cast at said election shall be returned and canvassed as therein provided.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 3. It shall be the duty of the secretary of state to cause this act to be published forthwith, and it shall take effect from and after its passage.

Approved March 6, 1855.

Chapter 125.

An Act relating to the society connected with the Scandinavian Evangelical Lutheran Church of the city of Racine.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Trustees empowered to mortgage property.

SECTION 1. The trustees of the society connected with the Scandinavian Evangelical Lutheran Church, in the city of Racine, are hereby authorized to bond and mortgage the church and lot or other property belonging to said society, for the sum of one thousand dollars, or under, with interest not exceeding twelve per cent. per annum; and the money thus procured by said bond and mortgage, shall be applied by said trustees, in paying off the indebtedness of said society.

SEC. 2. This act to take effect from and after its passage.

Approved March 6, 1855.

Chapter 126.

An Act to amend an act entitled "an act for the relief of George E. Scott," approved April 7, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The proviso to section one of chapter 283, of the private and local statutes of 1854, entitled "an act for the relief of George E. Scott, is hereby so amended as to read as follows, to wit: *Provided*, Such application shall be made by the first day of July, A. D. 1855. Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1855.

Chapter 127.

An Act to authorize a state road from Arena to Bald Bluff.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. William A. Brodie, William Henry Brisbane and G. M. Ashmore are hereby appointed commissioners, with full power and authority to lay out and establish a state road from Arena, in Iowa county, to intersect the highway from Sauk Prairie to Richland City, at or near Bald Bluff, in Sauk county. Commissioners appointed.

SEC. 2. Said road shall be laid out and established in conformity with the provisions of law in relation to state roads. *Provided*, That no part of the expense shall be paid out of the state treasury.

Approved March 6, 1855.

Chapter 128.

An Act to vacate a certain Street in Richland City.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Street vacated.

SECTION 1. All that part of River street, which lies between Fulton street and Franklin street, in the village of Richland City, in Richland county, is hereby vacated, and by virtue of this act shall cease to be a public highway.

SEC. 2. This act shall be in force from and after its passage.

Approved March 6, 1855.

Chapter 129.

An Act to authorize E. P. Doty and his associates, to keep and maintain a flume and water wheel on Rock River.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to keep a flume, &c.

SECTION 1. E. P. Doty and his associates, be and they are hereby authorized to keep and maintain a flume and water wheel at any point within thirty feet of the eastern shore of Rock River, on block number forty-two, and between first and second streets, in the city of Janesville, for the purpose of working or propelling any machinery on any lands owned or in the possession of the said Doty or his associates.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1855.

Chapter 130.

An Act to authorize the Towns therein named to aid in the construction of a Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Board of supervisors.

SECTION 1. The several boards of supervisors of the towns of Hudson, La Fayette, Sugar Creek, Darien and Sharon, in the county of Walworth, and of the towns of Clinton, Turtle and Bradford, in the county of Rock, are hereby authorized to subscribe for their respective towns the following sums to the capital stock of the Racine, Janesville and Mississippi railroad company, to wit: For the said towns of La Fayette and Sugar Creek the sum of fifteen thousand dollars each, and for each of the other of the above named towns the sum of twenty thousand dollars, and to pay for the same in the bonds of said towns respectively, payable on the tenth day of February, in the year one thousand eight hundred and sixty-five, with interest payable annually in the city of New York, at the rate of seven per cent. per annum.

Shares of stock.

SEC. 2. The shares of stock in said railroad company, thus taken by said towns, and all dividends arising from the same are hereby irrevocably pledged for the payment of the interest and principal of said bonds: *Provided, however*, That the board of supervisors of said towns, severally, may sell such shares by them subscribed, but the proceeds thereof and interest, shall still be pledged to pay the interest and principal of said bonds.

SEC. 3. The shares of stock so subscribed for and held by any town, shall not be in any manner affected by any mortgage, lien or incumbrance given or obtained upon such railroad; and in case such railroad shall be sold, or in any manner disposed of, to satisfy any such mortgage or lien, such shares of stock held by such town shall still remain valid and unaffected, and the town shall be entitled to draw the same dividends upon such shares in whosever hands or control such railroad may be, as if no such sale or disposition had been made.

Supervisors to levy a tax.

SEC. 4. The board of supervisors of said several towns, whenever the same shall become necessary, shall annually levy a tax upon the taxable property of their respective towns, sufficient to pay the interest upon such bonds after

deducting the dividends due to said towns on their respective shares of stock.

To appoint railroad commissioners.

SEC. 5. The boards of supervisors of said towns, respectively, may severally appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of such railroad company for the election of directors thereof, and each town shall be entitled to cast one vote for every share of stock which said towns shall hold in said railroad company, and in case of the absence of said commissioner, or inability to attend, to appoint in writing under his hand some other person, who shall have the same powers.

Bonds.

SEC. 6. No bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said town, voting upon said question, shall vote in favor of the same at an election called within one year after the passage of this act, by the said board of supervisors respectively, or by two or more of the supervisors of each town respectively, for that purpose, to be held at the usual place of holding elections in the said several towns. At such election those voting in favor shall vote a ballot having the words inscribed thereon, "For the Railroad," and those voting against, shall vote a ballot having the words inscribed thereon, "Against the Railroad." One week's previous notice of said election shall be given by two or more of the supervisors of the proper town by notice posted in five public places in each town, and by publication in a newspaper printed in the county, in which any such election shall be called; said election shall be conducted and the returns thereof made and canvassed in the same manner as at the annual town meetings of said towns.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 6, 1855.

Chapter 131.

An Act to provide for additional election districts at Pensuchee, in the town of Oconto, in Oconto county, and county of Door.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful, from and after the passage of this act, for the legal voters of the town of Oconto, to meet at the house of Moses Harderick, at or near Gardens & Price's lumbering mills, on the Pensuchey, for the purpose of opening an additional poll for votes in said town of Oconto, for all election purposes whatever. Meeting of voters.

SEC. 2. The said electors, when assembled on any election day, shall organize by electing, viva voce, three persons to be designated as inspectors of election, and the said inspectors shall select two clerks of election, which shall constitute a board of election.

SEC. 3. The said election shall be conducted in all respects according to the provisions of chapter six of the revised statutes, entitled an act "of general and special elections, of the manner of conducting the same, and of the canvass," not inconsistent with the provisions of this act.

SEC. 4. The legal voters of the said town of Oconto, are hereby authorized to meet at the boarding house of Geo. A Sayers, on little Suamico, and organize for all the purposes of holding elections under the provisions of this act.

SEC. 5. The legal voters of Big Sturgeon Bay, in the county of Door, are hereby authorized to meet at the house of David S. Crandall, and organize for the purpose of holding all elections under the provisions of this act.

SEC. 6. After the votes have been canvassed, it shall be the duty of the inspectors to transmit forthwith the returns of the said elections to the clerk of the county board of supervisors of Brown county, and for that purpose shall receive a reasonable compensation. Returns of elections.

Approved March 6, 1855.

Chapter 132.

An Act to regulate elections in certain counties.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Period of office.

SECTION 1. The county treasurer and the clerk of the board of supervisors, who were elected at the general election in November, A. D., eighteen hundred and fifty-three, in the county of Outagamie, shall hold their offices respectively until the first day of January, A. D., eighteen hundred and fifty-seven, and until their successors shall be elected and qualified; and no election for such officers or either of them, shall be held in said county at the general annual election in November, A. D., eighteen hundred and fifty five.

To elect county treasurer, &c.

SEC. 2. The legal voters of Outagamie county aforesaid, shall at the general annual election, in November, A. D., eighteen hundred and fifty six, and at the same time in every second year thereafter, elect a county treasurer and clerk of the board of supervisors, who shall hold their office for two years from and after the first day of January next succeeding their election, and until their successors are elected and qualified.

SEC. 3. All acts and part of act, contravening the provisions of this act, are hereby repealed.

Approved March 6, 1855.

Chapter 133.

An Act to amend an act to provide for laying out a state road from Potosi, by Lancaster and Muscoda, in the county of Grant, to Richland Centre, in Richland county, approved February 22, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. John H. Vance, Horace Smead and John L. Sweeny, are hereby appointed commissioners in the place of the commissioners named, in the first section of the act to which this is amendatory.

SEC. 2. In addition to the powers conferred on said commissioners by the act to which this act is amendatory, the commissioners named in the first section of this act, shall have power to extend the state road authorized to be laid out by the act to which this is amendatory, south from Potosi to the line of the state of Illinois, at or near Boat Yard Hollow.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1855.

Chapter 134.

AN ACT for the relief of school district number two, in the town of Oak Grove, Dodge County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. School district number two, in the town of Oak Grove, Dodge county, is hereby empowered to call a special school meeting for the purpose hereinafter mentioned, to wit: First, to vote upon the subject matter of building a district schoolhouse. Second, to vote a tax for defraying the expense of building and furnishing the same. Special school meeting.

SEC. 2. For the purposes of carrying into effect the foregoing provisions of this act, chapter nineteen of the revised statutes, of Wisconsin are hereby revived, and shall be in full force and effect in said school district number two, in the town of Oak Grove, Dodge county, until the first day of July, eighteen hundred and five-five.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1855.

Chapter 135.

An Act to authorize the voters of the town of Oshkosh, to hold their elections in the city of Oshkosh.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Polls to be opened.

SECTION 1. After the next annual town meeting, it shall be lawful for the polls of any election or town meeting for the town of Oshkosh, in Winnebago county, to be opened and held at such place within the limits of the city of Oshkosh, as the legal voters of said town shall determine.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1855.

Chapter 136.

An Act to incorporate "The Wild Wood Cemetery Association."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Created body corporate.

SECTION 1. David S. Ordway, A. Scott Sloan, Robert V. Bogert, Edwards P. Smith, Samuel L. Rose, M. D. Miller and J. W. Robinson, their associates and successors, are hereby constituted a body corporate and politic by the name and style of "The Wild Wood Cemetery Association" with perpetual succession; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and answer and be answered unto, in all courts of law and equity; may have a common seal and alter the same at pleasure, and may enjoy all the privileges incident to corporations, for the purpose of purchasing, laying out, improving, platting and beautifying a cemetery plat in the county of Dodge, and selling and disposing of the same.

Power of corporation.

SEC. 2. Said corporation shall have power to purchase, receive by gift or donation, hold, lease and convey in fee simple, or conditionally, subject to the constitution and

by-laws of the same, real and personal property: *Provided*, That the cost of the real estate held by said corporation at any one time, shall not exceed twenty-five thousand dollars.

First meeting of corporation.

SEC. 3. The first meeting of said corporation may be called by any five of the persons named in this act, at such time and place in said county as may be mutually agreed upon by them, and at such meeting, and at all other meetings duly notified, said corporation may adopt, make, alter, amend, add to, and repeal a constitution, and all such by-laws, rules and regulations for the management of the business of said corporation, as a majority may direct, not repugnant to the laws of this state nor of the United States.

Lots to be used for burial purposes only.

SEC. 4. Every conveyance of cemetery lots or parts of lots, when the same shall have been legally platted, laid out and recorded by said corporation, as hereby authorized and empowered to do, shall be expressly for burial purposes and no other; and after there shall have been an interment in any lot or part of a lot so conveyed, such lot or part of a lot from the time of such first interment, shall forever thereafter be inalienable, subject only to the by-laws and regulations of the corporation: *Provided*, That nothing herein contained shall be construed to prevent said corporation from selling any entire tract of land by the same corporation owned, and before any interment shall have been made therein, or cemetery lots disposed of.

Proviso.

SEC. 5. The said corporation may adopt such forms for deeds of conveyance as shall be deemed by them best, and until a common seal is provided, may execute their instruments of conveyance under the hand and individual seal of such of the officers of said corporation as shall by the by-laws be constituted conveying officers.

SEC. 6. Said corporation may divide their stock into as many shares of equal amount, and provide for the sale and transfer thereof, in such manner as said corporation shall from time to time deem expedient.

Shall be exempted from taxation.

SEC. 7. The cemetery lands and property of this corporation, shall be exempt from all public taxes and assessments, and shall not be liable to be sold on execution, or to be applied in payment of debts of any individual, corporator or lot owner; but the said corporation and lot owners, their heirs, legal representatives and successors, may hold the same exempt therefrom, so long as

the same shall remain appropriated to the use of a cemetery; and during that time no street or road shall be laid through said cemetery lands or any part thereof, without the consent of said corporation, and ascertained by a vote of a majority of the stockholders present at any regularly called meeting of said corporation.

Authorized to borrow money.

SEC. 8. Said corporation is hereby authorized, in its corporate name and capacity, to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and make and execute in their corporate name, all necessary writings, notes, bonds, or other paper, and make, execute and deliver such securities in amount and kind, as may be deemed expedient by said corporation, for all purposes necessary in carrying out the objects of said corporation; and the official acts of said corporation are declared binding in law and equity upon said corporation, and upon all other parties to contracts with said corporation; and said cemetery association may purchase, hold and dispose of any additional amount of real estate or estate personal, beyond the above limitation, if purchased upon any sheriff sale, constable sale, or sale upon forclosure, upon the collection of any debt, judgment or decree, in which such association may be interested as creditor, directly or indirectly, or if purchased directly from the owner in payment for any debt or claim due such association.

Board of directors.

SEC. 9. The corporators above named shall be the first board of directors of said association, and shall hold their office until their successors are elected. All instruments of conveyance to or from such association, shall be in its corporate name: *Provided however*, That no misnomer shall defeat any conveyance, bequest, or devise, intended to be made to said association. Five of said directors shall at all times constitute a quorum, and said board shall determine by its constitution or by-laws, the number, name, powers and pay of its several officers and employees. The first election of directors shall be held at such time and place and upon such notice as its board of directors shall determine.

Proviso.

SEC. 10. The board of directors may at any time determine the number of directors to be elected at any future election, and may for that purpose, decrease or increase the number, and the duration and expiration of the term of office, for which they shall be elected: *Provided*, That all persons who shall at any time be elected such directors,

Proviso.

shall hold their offices respectively until their successors are elected. And no failure to elect at the time, at which any election shall be appointed, shall work any defeasance, or abatement of any of the powers, privileges and franchises hereby conferred.

SEC. 11. This act shall take effect from and after its passage.

Approved March 10, 1855.

Chapter 137.

An Act to authorize the Railroad Companies therein named to consolidate their Capital Stock.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Companies authorized to consolidate capital stock.

SECTION 1. The Illinois and Wisconsin railroad company, in the state of Illinois, and the Rock River Valley Union railroad company, in this state, are hereby authorized and empowered to consolidate the capital stock of the two companies, and to make the two companies one, and to place the affairs and property of the two companies under the direction of one board of directors, of not more than fifteen and not less than seven.

shall be entitled to all privileges of coporations.

SEC. 2. The two companies, when consolidated and placed under the direction of one board of directors, may select, choose and nominate for itself any name that a majority of the directors may deem fit; and may adopt a common seal and alter the same at will; and after the said companies have consolidated, selected and chosen a name as aforesaid, it shall deposit with the secretary of state of this state a certificate signed by the president and secretary of the company so consolidated as aforesaid, and the said company shall be known by the name so selected, chosen and certified, and under such name may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have all the rights, privileges and franchises conferred on the said companies by the laws of the states of Illinois and Wisconsin, respectively, the same and not otherwise, as though the said consolidation had

not taken place, and the right of way may be taken in the same manner in all respects as though the said companies had not consolidated.

SEC. 3. The board of directors of the two companies, respectively, are authorized to complete the said consolidation by contract, and for that purpose may meet at any place in this state or the state of Illinois, and shall file a copy of the articles of consolidation with the secretary of state of this state and the state of Illinois, and in the event of the sale of the railway, depot grounds, franchises and property of the Rock River Valley Union railroad company under any mortgage now in existence and being an encumbrance thereon, the same rights, franchises and immunities shall accrue, inure and pass to the purchasers and their associates under said sale, that are granted to the said company by the laws of this state, and the same consolidation may be made as well after said sale as before; and the present board of directors of the said company with the consent of the said purchasers may remain and direct the affairs and control the property of the said company after the said sale until the time fixed by law for the next election of directors, or until the consolidation shall take place, the same as though the said sale had not been made.

Election of directors.

SEC. 4. The consolidated company shall hold an election of directors on the first Tuesday of October of each year, unless otherwise directed by the by-laws of said company, at a place to be selected in one of the counties in the state of Illinois or this state through which the said railroad passes, by the board of directors; and notice of said election shall be given to the stockholders by four weeks' publication in one newspaper published in Chicago, in one at Madison, in one at Fond du Lac, and in one at Janesville; and the said election shall be conducted after the manner provided in the charter of the Rock River Valley Union railroad company, and the by-laws to be adopted by this consolidated company.

SEC. 5. The said consolidated company shall be and remain subject to the laws of the state of Wisconsin and the state of Illinois, respectively, and shall have in all respects the same privileges as though this consolidation had not taken place: *Provided*, The laws of the state of Illinois shall have no force or effect in the state of Wisconsin, under the provisions of this act.

SEC. 6. After consolidation, as aforesaid, and before the first election of the directors by the stockholders, the affairs of the consolidated company shall be managed by the directors of the two companies acting jointly; and as soon after consolidation as it may be deemed expedient to organize said consolidated company, said joint board of directors shall meet and elect a president, vice president, secretary and treasurer; and the said consolidated company being thus organized, may make and execute in their corporated name, all such writings, notes, bonds or mortgages of their real or personal property or any part thereof, as they may deem necessary to secure the payment of any liability incurred or to be incurred in the construction and equipment of their road; and may agree in such notes, bonds and mortgages to pay such rates of interest as they may think proper, not exceeding ten per cent. per annum, and may sell and dispose of said notes, bonds and mortgages at par, or at such prizes above or below par as they shall think proper. Affairs to be managed by joint board of directors.

SEC. 7. All municipal corporations, towns, villages or cities which have by law been authorized to loan their credit to the said Rock River Valley Union railroad company, are hereby authorized to loan their credit to the said consolidated company to the same extent and on the same terms, as by law said corporations, towns, villages or cities are now authorized to loan their credit to the said Rock River Valley Union railroad company. Towns, cities, &c., authorized to loan their credit to said company.

SEC. 8. This act shall take effect from and after its passage.

Approved, March 10, 1855.

Chapter 138.

An Act to authorize Edward M. Booth to keep and maintain a ferry across the Chippewa River, in Dunn County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Edward M. Booth, his heirs and assigns, shall have the right and privilege, for the period of five years, of keeping and maintaining a ferry across the Chip- Authorized to keep a ferry.

pewa river, in Dunn county, on fraction number five, town twenty-four, range fourteen, section twenty-three.—No ferry shall be licensed within three miles above or below the same.

Compensation for ferriage.

SEC. 2. The ferry shall be subject to such regulations as other ferries are, or may be by law subject; and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by two horses or oxen, the sum of fifty cents, and for each additional horse or ox, twenty cents; for any vehicle drawn by one horse and driver, or for one horse and rider, forty cents; and for horses and cattle in droves of not less than ten in number, ten cents each; and for hogs and sheep in droves, three cents each; for foot passengers, ten cents.

Approved March 10, 1855.

Chapter 139.

An Act to incorporate the Milwaukee Patent Brick Manufacturing company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Created body corporate.

SECTION 1. William J. Bell, Charles L. Dole, George B. Miner, Digby V. Bell and George W. Dole and all others who shall hereafter become associated with them, by subscribing to the capital in the corporation hereby created, and their successors and assigns, shall be and are hereby constituted and made a body corporate, by the name and style of the "Milwaukee Patent Brick Manufacturing Company;" and by that name shall be capable, in law and equity, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, whatsoever, in all manner of actions and causes; may have a common seal, which they may alter or renew at pleasure; and by that name shall be capable of purchasing, holding, and conveying any estate, real, personal or mixed, for the use and benefit of said corporation: *Provided*, The real estate to be held by this corporation at any one time shall not exceed the sum of one hundred thousand dollars.

Proviso.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares and stock shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may prescribe: and said company shall have power to make such by-laws as its board of directors may deem necessary, from time to time, not inconsistent with the laws of the United States or of this State. Capital stock.

SEC. 3. Said corporation shall have power to manufacture bricks, or eathern or stone ware, and sell and dispose of the same at pleasure; and may construct such buildings and machinery as may be required in the business operations of said company, on any lands which may hereafter be owned by the company. Powers of corporation.

SEC. 4. The property and affairs of said corporation shall be managed and conducted by a board of not less than three nor more than five directors, a majority of whom shall constitute a quorum for the transaction of business, and who shall be elected annually, after the present year, by the stockholders, at such time and place and under such regulations as shall be prescribed by the by-laws, or adopted by resolution of the board of directors; and at all such elections each stock-holder shall be entitled to each one vote for each share of stock held by him in said corporation, and may vote the same in person or by proxy duly authorized: *Provided*, That no person shall be elected a director who shall not, at the time, be a stockholder in said company. Affairs to be managed by board of directors. Proviso.

SEC. 5. The five corporators named in the first section of this act, viz: William J. Bell, Charles S. Dole, George B. Miner, Digby V. Bell and George W. Dole are hereby declared to be the first board of directors, whose term of office shall continue for one year from the passage of this act, (unless in case of death of resignation,) and until their successors shall be elected as aforesaid; and the board of directors of said company, shall at all times have power to fill vacancies in their body, and of prescribing the number of the board, and the mode and manner of calling elections for directors, and conducting the same; and also to prescribe the kind and number of officers to manage its affairs, generally; and also may open books of subscription to the capital stock, and receive subscriptions thereto at such time and in such manner and upon Board of directors and their powers.

such terms as the board of directors shall determine, by resolution or otherwise.

SEC. 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1855.

Chapter 140.

An Act to vacate a certain portion of the village plat of the village of Dover, (formerly Arena,) in Iowa county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the village plat of the village of Dover, (formerly Arena,) in Iowa county, lying east of the east line of Wisconsin street, in said village, according to the plat of recorded in book "O" of deeds, on page 322, in the register's office, at Mineral Point, be and the same is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1855.

Chapter 141.

An Act to lay out a State Road from Brookville, in St. Croix county, to Chippewa Falls, in Chippewa County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out state road.

SECTION 1. Thos. B. Wilson, of Dane County, A. W. Miller, of St. Croix county, and H. S. Allen, of Chippewa county, are hereby appointed commissioners to lay out and establish a state road from Brookville, in the county of St. Croix, to Chippewa Falls, in Chippewa county.

SEC. 2. The said commissioners shall receive a fair compensation for their services, from the counties through which the road shall pass, each county paying a just proposition of said expense.

SEC. 3. This act shall take effect from and after its passage and publication.

Approved March 10, 1855.

Chapter 142.

An Act to authorize Silas D. Whitlock and others, to maintain a mill dam on the south-west quarter of section twenty-five, town ten, range seventeen, in Dodge county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Silas D. Whitlock, his heirs or assigns, are hereby authorized to keep up and maintain a mill dam across a stream called the "Rubicon," on the south west quarter of section number twenty-five, town ten, range seventeen, in the county of Dodge. Authorized to maintain mill dam.

SEC. 2. The said Silas D. Whitlock, his heirs or assigns, may apply to the county judge of the county of Dodge, to appoint commissioners as hereinafter provided, and upon such application, the said county judge shall appoint three disinterested commissioners of the same county, whose duty it shall be to make an examination of all the lands overflowed by reason of the keeping up or maintaining said mill dam, and make out an award, in which they shall award to the owner or owners of any such overflowed lands, the amount of damages to which they shall deem such owner or owners entitled, by reason of the keeping up and maintaining of said mill dam, as aforesaid. Said commissioners shall meet to make their examination and award within thirty days after they are appointed, by virtue of this act; and the owner or owners of said lands shall be notified to appear before them at the time and place of such meeting, and shall be entitled to be heard before said commissioners, in regard to the amount of damages by them sustained in consequence of the keeping up and maintaining said mill dam. Commissioners may be appointed to appraise damages for overflowing lands.

Parties may appeal to circuit court.

SEC. 3. Any person or persons conceiving themselves aggrieved by the award of the said commissioners, may appeal within ten days from the time of making such award, to the circuit court of the county of Dodge, in the same manner as is provided by law for appeals from the decisions of commissioners of the estates of deceased persons.

Commissioners to file their award with clerk of circuit court.

SEC. 4. The decision and award of the said commissioners, mentioned in the second section of this act, shall be final, unless appealed from as provided for in this act; and the said award shall be filed by the said commissioners in the office of the clerk of the circuit court of the county of Dodge, and shall be and remain a lien upon the lands of the said Silas D. Whitlock, his heirs or assigns, until the term of the circuit court of said county of Dodge, held next thereafter, when upon motion made by any party interested therein, a judgment may be entered up, and execution issued, to the same effect, and in the same manner as judgments are entered and executions issued upon suits of a civil nature, commenced and tried in the said circuit court.

SEC. 5. No suit or proceeding at law or in equity shall be entered against the said Silas D. Whitlock, his heirs or assigns, for any damages arising from the overflowing of any lands, by reason of the keeping up and maintaining of said mill dam, after he, his heirs or assigns, shall have applied to have commissioners appointed according to the provisions of this act.

SEC. 6. Whenever the said Silas D. Whitlock, his heirs or assigns, shall have paid and satisfied the judgments provided for in the fourth section of this act, the right to overflow said lands, by means of said mill dam, shall become permanent, in the said Silas D. Whitlock, his heirs or assigns, without any further liability, interference or molestation, whatever.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 10, 1855.

Chapter 143.

An Act to incorporate the Prairie du Chien Bridge Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Created body corporate.

SECTION 1. That H. L. Dousman, B. W. Brisbois E. W. Pelton, T. A. Savage, B. F. Fay, S. A. Clark, and such other persons as shall associate with them, be and they are hereby incorporated by the name and style of the "Prairie du Chien Bridge Company;" and by such name may sue and be sued, plead and be impleaded in any court in this state, and may have a common seal, and may change the same at pleasure.

Commissioners to open books of subscription.

SEC. 2. H. L. Dousman, B. W. Brisbois, E. W. Pelton, T. A. Savage, B. F. Fay, S. A. Clark, or any two of them, or any person or persons they may appoint, are hereby appointed commissioners to receive subscriptions to the capital stock, and may open a book of subscriptions in the village of Prairie du Chien, in the county of Crawford, at such place in said village and at such times as may be designated by them or a majority of them, by giving public notice of the same; which book may be kept open to receive such subscriptions as long as they may think proper.

Capital stock. Each share of stock entitled to one vote.

SEC. 3. The capital stock of this company shall be twenty thousand dollars, and shall be divided into shares of fifty dollars each, and said company shall have power to increase the capital stock to any amount not exceeding forty thousand dollars, by a vote of a majority of the stockholders of said company.

SEC. 4. At all elections for officers of the company, or at the meetings of the stockholders, each share-holder shall be entitled to one vote for each share of stock so held and owned by him.

SEC. 5. The said company shall have power, as soon as five per cent. shall be paid in upon the sum of ten thousand dollars of the capital stock, to make contracts for the building of the said bridge, or for timber, lumber, stone or other materials which may be used in the construction, and such contract or contracts shall be binding upon both parties, the same as between private persons.

Authorized to build a bridge.

SEC. 6. The said company shall have power to build and construct a bridge across the Wisconsin river, on section number fourteen, township number six, range six, west of

the fourth meridian, between the counties of Crawford and Grant.

How bridge shall be built.

SEC. 7. The said bridge shall not be less than twenty-four feet wide, shall have a double track for wagons, a good substantial railing on both sides, and an embankment extending five hundred feet from the south bank of the river. It shall also be so constructed as to leave a channel one hundred and fifty feet wide, for the passage of rafts, steamboats and other craft, and shall have a draw of sufficient width to allow the unobstructed passage of all boats. Said bridge shall be commenced within two years, and completed within five years from the time this act shall take effect.

SEC. 8. The said Prairie du Chien bridge company shall and may have full power to construct, repair, alter, change, grade, plank or otherwise, as they may deem proper, the road on both sides of said river leading to or from said bridge, in order to make said bridge accessible to the travelling public.

Tolls.

SEC. 9. The said company shall have power, after the completion of the bridge, to demand and collect tolls for crossing the same, as follows: For any vehicle drawn by two horses, oxen or mules, a sum not exceeding fifty cents, and for each additional animal not to exceed ten cents; for any vehicle drawn by one horse, ox or mule, not exceeding twenty-five cents; for a single horse, ox or mule, not exceeding ten cents; and for foot passengers not exceeding ten cents each; for all animals in droves of less than fifty in number three cents each, and for all over fifty, two cents each: *Provided*, That for hogs and sheep no more than one cent each shall be charged.

Proviso.

SEC. 10. The said company shall keep posted up in some conspicuous place on said bridge, a list of the rates of toll allowed by this act.

Penalty for refusing to pay toll.

SEC. 11. Any person crossing said bridge refusing to pay toll according to the rates above specified, shall be fined for each offence twenty-five dollars, upon conviction.

SEC. 12. Said company shall have power to make all by-laws for the regulation of the affairs of the company, not repugnant to the laws of the United States, or of this state.

SEC. 13. This act shall take effect from and after its passage.

Approved March 10, 1855.

Chapter 144.

An Act to authorize George Rossman, Joel F. Wilson and E R. Nelson, their heirs or assigns, to maintain a mill dam on north east quarter of section 21, town 10, range 18, county of Washington.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to erect milldam.

SECTION 1. George Rossman, Joel F. Wilson and E. R. Nelson, their heirs or assigns, are hereby authorized to keep up and maintain a mill dam across a stream called the "Rubicon," on the north-east quarter of section twenty one, town ten, range eighteen, east, county of Washington.

Commissioners may be appointed to appraise damages for overflowing lands.

SEC. 2. The said George Rossman, Joel F. Wilson and E. R. Nelson, their heirs or assigns, may apply to the county judge of the county of Washington, to appoint commissioners, as herein provided, and upon such application the said county judge shall appoint three disinterested commissioners, of the same county, whose duty it shall be to make an examination of all the lands overflowed by reason of the keeping up or maintaining said mill dam, and make out an award, in which they shall award to the owner or owners of any such overflowed lands the amount of damages to which they shall deem such owner or owners entitled, by reason of the keeping up and maintaining of said mill dam as aforesaid. Said commissioners shall meet to make their examination and award within thirty days after they are appointed by virtue of this act, and the owner or owners of said lands shall be notified to appear before them at the time and place of such meeting, and shall be entitled to be heard before said commissioners in regard to the amount of damages by them sustained in consequence of the keeping up and maintaining said mill dam.

Parties may appeal to circuit court.

SEC. 3. Any person or persons conceiving themselves aggrieved by the award of the said commissioners, may appeal within ten days from the time of making such award to the circuit court of the county of Washington, in the same manner as is provided by law for appeals from the decisions of commissioners of the estates of deceased persons.

Commissioners to file their award.

SEC. 4. The decision and award of the said commissioners, mentioned in the second section of this act, shall be final, unless appealed from as provided for in this act;

and the said award shall be filed by the said commissioners in the office of the clerk of the circuit court of the county of Washington, and shall be and remain a lien upon the lands of the said George Rossman, Joel F. Wilson and E. R. Nelson, their heirs or assigns, until the term of the circuit court of said county of Washington, held next thereafter, when upon motion made by any party interested therein, a judgment may be entered up and execution issue, to the same effect, and in the same manner as judgments are entered and executions issued upon suits of a civil nature, commenced and tried in the said circuit court.

SEC. 5. No suit or proceeding at law or in equity, shall be entered against the said George Rossman, Joel F. Wilson and E. R. Nelson, their heirs or assigns, for any damages arising from the overflowing of any lands, by reason of the keeping up and maintaining of said mill dam, after they, their heirs or assigns shall have applied to have commissioners appointed according to the provisions of this act.

SEC. 6. Whenever the said George Rossman, Joel F. Wilson and E. R. Nelson, their heirs or assigns, shall have paid and satisfied the judgments provided for in the fourth section of this act, the right to overflow said lands, by means of said mill dam, shall become permanent in the said George Rossman, Joel F. Wilson and E. R. Nelson, their heirs or assigns, without any further liability, interference or molestation whatever.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved, March 10, 1855.

Chapter 145.

An Act for the relief of school district number One, in the town of Metomen and county of Fond du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Duty of town clerk.

SECTION 1. The town clerk of the town of Metomon, is hereby authorized and required to assess according to

provisions of law, the sum of money voted by the legal voters of school district number one in said town of Metomon, at its last annual meeting, to be raised for the purpose of defraying the indebtedness of said district, and for other purposes.

Duty of town treasurer.

SEC. 2. The town treasurer of said town of Metomon is hereby required to collect and pay over, according to provisions of law, the sum assessed, as provided in the preceding section.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1855.

Chapter 146.

An Act to authorize school district number One, in the town of Neenah, to borrow money for the purpose of building a school house.

The people of the State of Wisconsin, represened in Senate and Assembly, do enact as follows:

District authorized to borrow money to erect school-house.

SECTION 1. The district board in school district number one, in the town of Neenah, Winnebago county, are hereby authorized to borrow a sum of money, not exceeding two thousand dollars, for the purpose of building a school house in said district; and for the purpose of securing the payment of the sum so borrowed, with interest thereon, not to exceed twelve per cent. per annum, may excecute any promissory note, or other instrument in writing, which shall be binding upon said district, and may also execute a mortgage upon any real estate of said district, which mortgage shall be a lein and incumbrance upon said real estate.

How principal and interest to be paid.

SEC. 2. The principal and interest which may become due upon the sum so borrowed, during each and every year thereafter, shall be added to the tax list by the clerk of said district, and collected with the other tax assessed in said district, in the manner provided by law.

SEC. 3. This act shall take effect from and after its passage.

Approved March 10, 1855.

Chapter 147

An Act to legalize the action of the town superintendents of common schools of the towns of Barrie and Neshona, in La Crosse county, in relation to organizing school district number six, in the town of Neshona.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Organizing school district.

SECTION 1. The action of Chauncy C. Ewell, town superintendent of schools in the town of Neshona, for the year 1854, and Simon Standish, town superintendent of schools in the town of Barrie, for the year 1854, in relation to the organization of school district number six, in the town of Neshona, La Crosse county, is hereby legalized and declared of full force and effect.

SEC. 2. This act shall take effect from and after its passage.

Approved March 10, 1855.

Chapter 148.

An Act to authorize the laying out of a state road.

The people of the state of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. C. R. Hamlin, Franklin King Wm. B. Mumbree, are hereby appointed commissioners to lay out a state road from Winneconne, in Winnebago county, to Stevens' Point, in Portage county.

SEC. 2. Said commissioners shall receive such compensation as the board of supervisors of the counties through which said road shall pass, may deem proper; *Provided*, That no part of the expense of said road shall be paid out of the state treasury.

Proviso.

SEC. 3. This act shall be in force from and after its passage.

Approved March 10, 1855.

Chapter 149.

An Act to authorize the construction of a dam across the Sheboygan River.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Henry F. Belitz and Hugo Luebben, their associates, successors, heirs and assigns, are hereby authorized to erect and maintain a dam across the Sheboygan river, on the south-east quarter of section number thirty, of township number seventeen, north of range number twenty-one, east of the fourth principal meridian, in the county of Manitowoc, and to make use of the water of said river for hydraulic purposes. Authorized to erect and maintain a dam.

SEC. 2. Said dam shall not exceed twelve feet in height from the ordinary water line of said river, and shall be so constructed as to admit of the passage of logs, rafts, timber and water crafts, which shall at all times be entitled to pass said dam free of all charges, to the owner or owners thereof: *Provided*, That the erection and maintenance of said dam shall in no way infringe upon the rights of other persons not herein named. Proviso.

SEC. 3. This act shall take effect from and after its passage.

Approved March 10, 1855.

Chapter 150.

An Act to authorize the first congregational church in the town of Magnolia, Rock county, to hold a special meeting to elect trustees.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the first congregational church in the town of Magnolia, Rock county, to hold a special meeting for the election of trustees, to fill all vacancies in said church, on the first Monday of April, A. D. eighteen hundred and fifty-five, without giving the To hold special meeting.

fifteen days' notice required in section three, of chapter forty-seven, of the revised statutes.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1855.

Chapter 151.

An Act to incorporate "The Norwegian mutual clerical society of benevolence, in America."

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Corporators.

SECTION 1. Gustaf Unonius, G. F. Dictrichison and H. A. Preus, with such other persons as may become associated with them for the purpose mentioned in this act, and their successors, are hereby created a body corporate and politic, by the name of "The Norwegian Mutual Clerical Society of Benevolence, in America," and by that name to remain in perpetual succession for the purpose of making up a fund sufficient to support the widows and unprovided-for children of deceased members of the society.

Object of association.

Officers and their duties.

SEC. 2. The officers of said association shall consist of a board of directors of three, one of whom is president, and a treasurer, who togther shall constitute an executive committee, in whom shall be vested the power to contract for and dispose of the capital stock of the society, according to the by-laws, rules and regulations; admit new members; for the government of the association; for regulating the admission fees, and annual rate of contribution to the funds; for appointing the times and places for meeting of the society; for suspending or expelling such officers and members as shall neglect or refuse to comply with said by-laws, rules and regulations; for applying the annual income at proper security in real estate, at an annual interest of the sums so applied, and for managing the general affairs of said association.

SEC. 3. The funds and property of said society shall be subject to an annual increase amounting to $3000, and

shall be devoted solely to the general purposes and objects specified in the first section of this act.

SEC. 4. This act shall take effect and be in force after its passage.

Approved March 12, 1855.

Chapter 152.

An Act to amend the charter of the Kenosha and Beloit Railroad Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Kenosha and Beloit railroad company are hereby authorized and empowered to build and construct a branch road to intersect with the main road of said company, from some suitable and convenient point, in the counties of Walworth or Rock, to the city of Janesville, in the county of Rock; and in building, constructing, running, and managing said branch road, the company shall have the same power, be liable to the same liabilities and restrictions as said company, by its present charter and the amendments thereto, possess; and is subject to in building, constructing, running and managing the main road of said company, and the stock that may be subscribed and taken for building such branch road, shall be placed upon the same basis, and form a part of the track of said company. **Authorized to build branch road.**

SEC. 2. All damages sustained by any person or persons for using or taking any lands or property, for the benefit of the said Kenosha and Beloit railroad company, shall be ascertained and paid for in the manner prescribed and agreeably to the provisions contained in the present charter and the amendments thereto, or in the following manner, to wit: **How damages to be settled.**

It shall be lawful for any judge of the circuit court, or judge or justice of the supreme court, on the application of said company, and at its cost and charge, to appoint as appraising commissioners three disinterested persons, each of whom shall be a resident either of the county of Rock, Walworth or Kenosha. After such commissioners

shall have been duly appointed, others may and shall from time to time be appointed by either of the officers above named, as need or occasion may require, upon application of said company, in either of the following cases: First, When any one of the persons therefore appointed shall cease to be a resident of either of the counties above named. Second, When such person shall decline to act, or to further act as said commissioner.— Third, When such person shall neglect or fail to act, or to further act as such commissioner for the space of eight days after being requested to so act by the chief engineer or attorney of said company. Fourth, When such person shall resign his said appointment. Fifth, when such person shall die, or be imprisoned, become insane, or shall from other cause become incapaciated or unable to, in proper manner, discharge the duties imposed by such appointment. Before any such first appointment, as aforesaid, shall be made, said company shall give notice to all whom it shall or may concern, that an application by said company will be made at a time, place, and before a judge or justice, in such notice named, for the appointment of three appraising commissioners, as provided in this section — Such notice shall be published for three successive weeks, prior to the time set for hearing such application, in a weekly newspaper in each of the counties above named, if there be such paper printed therein; and the affidavit of the publisher or printer of such newspaper of the fact of publication, shall be sufficient legal evidence of such publication. The judge or justice named in the notice, may continue to adjourn the hearing of such application for such length of time as he shall think fit, not exceeding in the whole, thirty days. Each person appointed as in this section provided, before entering upon the discharge of the duties devolving upon him, shall take an oath, in substance, that he will faithfully and impartially, according to the best of his ability, examine the land taken or required by said company, under and pursuant of its charter, and that he will estimate and appraise the value of the same, and determine the amount of compensation which the owner or owners thereof ought to have and receive for such property, and for the damage or injury sustained, or which may be sustained by such owner or owners, by reason of the taking and using such land by said company, deducting from such damages the benefits and advantages which such owner or owners has derived

Shall resign his said appointment.

Commissioners to take an oath.

or may derive by occasion of the construction of said railroad. Such oath may be administered by any officer authorized to administer oaths.

Duties of commissioners.

After said commissioners are sworn as aforesaid, it shall be, and is hereby made their duty to view and examine the land taken or required by said company, with the building and improvements, if any thereon, and to estimate the value of the land so taken, to be taken or required by the said company, and determine the amount of compensation which the owner or owners thereof ought to have and receive for such property, and for the damage or injury sustained, and which may be sustained by such owner or owners, by reason of the taking and using such land by said company, deducting from such damages the benefits and advantages which such owner or owners, by reason of the taking and using such lands by said company, deducting from such damages the benefits and advantages which such owner or owners has derived or may derive, by occasion of the construction of such railroad, and the operation of the same, or of works appertaining thereto, taking into consideration the advantages as well as disadvantages accruing to such owner or owners, by means of the construction and operation of said railroad; and when so done, the same shall be by said commissioners reported in writing, under the hands of said commissioners (or a majority of them,) to the circuit court of the county wherein the land is, or lands are situate. Such reports shall, from time to time, be made, and shall be deposited with the clerk of the circuit court of the proper county, who shall file and carefully preserve the same in his office. Such reports shall be so, as aforesaid, made and deposited within thirty days after the appraisment shall be fully completed in any county. In case no appeal shall be taken or made within thirty days after the filing of such report, then the said clerk shall record the same at the expense of said company, and the said court shall enter judgment thereon on motion of either party, at any term of said court. Said commissioners shall have power under the provisions of this section, to do the things required of them in every case when the said company cannot agree with the owner or owners of such required land, for the purchase thereof, or as to the compensation to be paid therefor, or when by reason of the legal incapacity, non-residence of, or absence from the State of any such owner or owners, no such agree-

Either party may appeal to circuit court.

ment or purchase can without delay be made. Said company, or such owner or owners as aforesaid, may appeal from the decision of said commissioners to the court aforesaid, within thirty days after filing of said commissioners' report in the office of the clerk of said court, and the matters of fact determined by said commissioners shall be determined upon such appeal by a jury, and the jury for such purpose empanelled shall be sworn to, and shall render a true verdict according to the evidence, of the value of the land so taken or required by said company, and the compensation to be paid to such owner or owners by said company therefor, and by reason of the taking of said land in the whole, deducting from such damages the benefits and advantages which will accrue to such owner or owners from the construction and operation of such railroad. Upon the verdict by the jury thus rendered the court shall enter judgment in accordance therewith. The aforesaid commissioners shall in no case proceed to determine the value of the land or materials, or the compensation to be paid, as aforesaid, in the absence of the owner or owners of such land, his, her, or their agent or attorney, unless there has been previously thereto at least five days' notice given to such owner or owners, his, her, or their agent or attorney, of the time and place at which such proceedings would be had, or unless such owner or owners is or are absent from this state, and having no agent or attorney, known to said company, residing therein, or unless such owner or owners shall be minors or non compos mentis. Such notice, as aforesaid, may be made upon the guardian or trustee of any minor, and upon the guardian, trustee or committee of any person non compos mentis, if within this state, and such service shall be valid and effectual, and shall be binding upon the owner or owners in like manner as though such minor or non compos mentis person were of full age and of sound mind.—In all cases where notice cannot be given, or served as aforesaid, said company shall cause to be published, for three successive weeks, in a newspaper printed in the county where the lands lie, if any such is printed, and if not, then in such paper printed at the capital of this state, a notice to such owner or owners, that, at a time and place therein designated, said commissioners will proceed to and determine the value of the land, and materials required as aforesaid, and the compensation to be paid therefor by said company, as hereinbefore provided. Upon

the making and finding of any report as aforesaid, and payment or legal tender of the amount to be paid (as by said commissioners determined as aforesaid) to the owner or owners of any such lands, or to his, her or their agent, attorney, guardian, trustee, committee or legal representatives, the said company, its agents, workmen, or the contractor or contractors for making or repairing said railroad, may immediately take and use the same without awaiting the determination of any matter to be disposed of upon any appeal made or taken as hereinbefore provided.

May change name of said road.

SEC. 3. The said Kenosha and Beloit railroad company are hereby authorized and empowered to change the name of said company by a vote of its board of directors at such time as they may deem advisable, to that of the Kenosha and Rock River railroad company, or Kenosha and Mississippi railroad company; and upon such change being made, all contracts and obligations made in the name of the said Kenosha and Beloit railroad company, shall be binding upon said company under its new designation.

SEC. 4. This act shall take effect from and after its passage.

Approved March 13, 1855.

Chapter 153.

An Act to lay out a State Road in Dodge County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out state road.

SECTION 1. Robert J. Norris, William Farrington, Parker Warren, Samuel McLaughlin and Henry W. Lander, are hereby appointed commissioners, and they, or any three of them, are hereby fully authorized and empowered to proceed and lay out, and cause to be surveyed, and establish a state road from Portland, in the county of Dodge, by the way of either the townships of Lowell, or Elba, to the town of Chester, in the county of Dodge. Such commissioners shall be sworn to the faithful discharge of the duties of this appointment, and shall receive such compensation for their

services as the several boards of supervisors of the towns through which said road shall be established, shall allow, and no more; all damages sustained by any person through whose lands such road shall run, by reason of the laying out of the same, shall be paid by the several towns, in which such lands are situate, and shall be ascertained and determined in the manner now provided by law, in the case of roads laid out by town supervisors: *Provided*, That in laying such road, the commissioners may adopt any portion of any public highway now established, as a part of such state road, and in such case no damage shall be allowed to any person on account of the adoption of such road, or any portion thereof. The state road so to be established shall not be altered within two years from the time the same is so laid out, by any board of supervisors of any town or county. The state road so laid out shall be opened, and shall be kept open in the same manner as ordinary highways.

How damages shall be paid.

Proviso.

SEC. 2. The survey of the road so to be laid out shall be made up in due form, together with the order of the commissioners, laying out and establishing such road, and an attested, copy of the same in full shall be filed in the office of the town clerk of each town through which such road may be laid, within one year from the passage of this act.

SEC. 3. This act shall take effect immediately.

Approved March 13, 1855.

Chapter 154.

An Act to amend an act entitled "an act to incorporate the Manitowoc and Mississippi Railroad company, approved March 15, 1851.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May enter upon lands.

SECTION 1. It shall be lawful for the said Manitowoc and Mississippi Railroad company, their officers, engineers, agents, contractors and servants, whenever the route of their railroad shall be determined by said company, to enter upon, take possession of, and use such land along the line of said route as shall be deemed necessary by

said company for the use of said road, not exceeding six rods in width, subject to the conditions and restrictions contained in section ten and eleven of the act of which this act is amendatory.

SEC. 2. Whenever commissioners shall be appointed as prescribed in section eleven of the act of which this act is amendatory, to estimate the value of any lands which may be taken by said company, and the damages which may accrue to the owners thereof by reason of the taking of such lands, and such commissioners shall meet together and enter upon the discharge of their duties, as a majority of said commissioners may make, and sign the report of such valuation, and return the same as provid ed in said section eleven of the act aforesaid; such valuation and report shall be as valid and have the same force and effect as if the same was made and signed by all such commissioners. Commissioners.

SEC. 3. This act shall take effect immediately.

Approved March 13, 1855.

Chapter 155.

An Act to incorporate the Beloit Car Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned their successors and assigns shall be and are hereby constituted and made a body corporate and politic by the name and style of "The Beloit Car Manufacturing Company;" and by that name shall be capable in law of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; may have a common seal, and alter the same at pleasure; and by the same name shall be capable of purchasing, holding and conveying any estate real or personal property for the use and benefit of said company: *Provided*, That the real Created body corporate. Proviso.

estate of said company shall not exceed the sum of one hundred thousand dollars.

Capital stock.

SEC. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed to be personal property, and may be transferred in such manner as the by-laws of said company may direct.

Powers of corporation.

SEC. 3. Said corporation shall have power to manufacture cars, locomotive engines, and such other machinery as they may deem proper, and sell and dispose of the same at pleasure; may erect buildings and machinery for such manufacturing purposes, to be moved by them or other power on any lands in the town of Beloit, which are now or may hereafter become the property of said company; may in their corporate capacity and name make and execute to any person or persons or body corporate or politic any and all writings, notes, bonds, mortgages or real or personal property belonging to their said company, in the due prosecution of their business, or as security for the loan of money borrowed by or due from said company to any person or persons, or body corporate or politic all of which said company is authorized to do, any law of this state to the contrary, notwithstanding. All sales of real estate, bonds, notes and mortgages executed by said company, shall be signed by the president of said company; and no purchase of real estate or personal property exceeding the value of five hundred dollars shall be made at any one time, without the consent of the directors of said company, expressed by a vote of such board; neither shall any sale of personal property exceeding in value the sum of one thousand dollars, or real estate exceeding the value of five hundred dollars, nor any bond, mortgage, note or other contract be made by said company involving the sum of five hundred dollars without the consent of the directors as above provided.

Affairs of company to be manged by a board of directors.

SEC. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three nor more than nine directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders, at such time and place as shall be directed by the by-laws of the corporation—each share of the stock being entitled to vote, and may be cast by the holders thereof, or by proxy duly authorized; all such elections shall be by ballot, and the persons receiving the majority

of votes cast shall be directors; and when any vacancy shall happen from any cause, it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of said corporation: the number of directors, and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws.

SEC. 5. The said directors shall annually after their election, elect one of their number president, whose duty it shall be to preside at all meetings of the board, and in case of his absence at any meeting, the directors present may elect a president pro tem.

Powers of directors.

SEC. 6. The powers of the directors shall be to make and prescribe such by-laws, rules and regulations respecting the management of the property, concerns, business and stock of said corporation, as they deem expedient and proper. All meetings for the transaction of business for the corporation shall be held at their office, which shall be located in the village of Beloit; and the manner and time of calling meetings shall be prescribed in the by-laws of said said company; the directors shall have power to appoint a treasurer and secretary, and such other officers as the business of said corporation may require, and may remove the same at pleasure, and fix the compensation and define the duties of all officers; they shall have the power to decide the time, manner and proportions in which the stockholders shall pay the money due (or an equivalent therefor) on their respective shares, and to make such rules respecting the forfeitures of stock and shares as they may deem advisable; they shall have power to appoint a time certain each year for the election of directors, but such election shall always be held at the office of said company upon due notice to the stockholders, of not less than thirty days before such election: *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time, upon a like notice being given to the stockholders; and the directors of the preceding year shall, in all cases, continue to act until the election of their successors in office.

Proviso.

Commissioners to open books of subscription.

SEC. 7. Books of subscription to the capital stock of said company shall be opened at the office of Wm. T. Goodhue, in the town of Beloit, on the 1st day of March next, under the inspection and direction of William T. Goodhue, L. G. Fisher, S. G. Colley, D. L. Brooks and Hazen Cheney, a majority of whom may keep said books open from day to

day until at least twenty thousand dollars of said stock be subscribed for, when the said Goodhue, Fisher, Colley, Brooks and Cheney may deliver to such subscribers said books; and the said subscribers then shall proceed to elect the board of directors as herein provided for, after a notice to the stockholders of the time, place and object of the meeting, which shall be signed by a majority of the last named gentlemen, (Goodhue, Fisher, Colley, Brooks and Cheney,) and posted up in at least two conspicuous places in said village of Beloit, at least one day before such meeting or election; and such directors, when so elected, shall at their first meeting which may be at any time they may elect after their election, determine the amount of the capital stock of said corporation, which shall in no case exceed the sum of two hundred thousand dollars.

SEC. 8. All stock in this corporation shall be payable in cash, except in such as the said Goodhue, Fisher, Colley, Brooks and Cheney may deem it advisable to take real estate for stock, in which case such real estate shall be received at such sum as the said Goodhue, Fisher, Colley, Brooks and Cheney or a majority of them and the landholder may agree upon; and they same shall be deeded to the Beloit Car Manufacturing company by good warranty deed; and upon the execution of such deed, the said Goodhue, Fisher, Colley, Brooks and Cheney, or a majority of them, are authorized to execute a receipt to such person so deeding as aforesaid, the full payment for so many shares in the capital stock of said company as fully pays the price of said real estate, and the company may use, lease or convey such real estate in any way or manner as any individual might do. After the election of directors as hereinbefore provided, the said directors shall have the same powers in reference to the matters contained in the preceding section, as the gentlemen therein named have before such election, and in such case said directors only shall have such power; and in case any stockholder shall pay his stock or any portion thereof, sooner or faster than the same is required by the by-laws of said corporation, the directors may allow him interest upon such advanced payments as they may deem proper.

Stockholders individually liable for debts of corporation.

SEC. 9. The stockholders in this corporation shall be individually liable for the debts of such corporation, to the amount of stock owned by them: *Provided*, That no suit shall be maintained against any such stockholder for any debt of the corporation, until a judgment therefor shall

have been recovered, and an execution issued thereon, against the said corporation, and returned unsatisfied in whole or in part.

Act repealed.

SEC. 10. The act entitled "an act to incorporate the Beloit Car and Locomotive Manufacturing Company," approved March 31, 1853, is hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 13, 1855.

Chapter 156.

AN ACT to legalize the proceedings of a school meeting in district number one, town of Richland, and county of Richland.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Proceedings of school district legalized.

SECTION 1. The proceedings of school district number one, in the town of Richland, county of Richland, held on the 13th day of April, A. D. eighteen hundred and fifty-five, at which time a district tax of one hundred and fifty dollars was voted for the purpose of erecting and completing a school house in said district, are hereby declared to be as valid and binding to all intents and purposes as if all the requirements of the laws of this state had been fully complied with.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1855.

Chapter 157.

An Act to authorize the laying out of a state road from Richmond, in Richland county, to Black River Falls, in Jackson county.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Commissioners.

SECTION 1. W. L. W. Wasson, of Jackson county, Hiram Heath, Jr., of Bad Ax county, and Thomas Mathews, of Richland county, be and are hereby appointed commissioners to view, lay out and establish a state road commencing at the ferry landing, in Richmond, Richland county, running thence in a north-westerly direction up the valley of Hoosier Creek, to the head of said creek, thence on the divide, and on the best and nearest route along said dividing ridge, between the waters of Kickapoo and Pine rivers, crossing the Baraboo and La Crosse road at or near the premises of James Cooper, thence on the nearest and best route to the falls of Black river, in Jackson county.

Compensation.

SEC. 2. Said commissioners shall receive such compensation for their services when so rendered, as shall be deemed proper and just by the board of supervisors of the several counties through which said road shall pass. And it shall be lawful for a majority of said commissioners to lay out and establish said road.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1855.

Chapter 158.

An Act to provide for laying out a state road therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That George Hawley, Warren A. Robinson and George W. White be and they are hereby appointed commissioners to lay out and establish a state road commencing at a point on section thirty-six, town twenty,

range thirteen, east, thence by the way of the village of Poysippi, through the town of Leon, Mount Morris, to the village of Wautoma.

SEC. 2. No part or portion of the expense of laying said road shall be paid out of the state treasury.

SEC. 3. This act shall take effect on and after its passage.

Approved March 12, 1855.

Chapter 159.

An Act to amend an act entitled, "An act to authorize certain persons to build a dam across Milwaukee River."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the first section of an act entitled "an act to authorize certain persons to build a dam across Milwaukee river," approved February 3, 1846, be and the same is hereby amended as to read as follows: Section amended.

"SECTION 1. That the owners of the east half of the north-east quarter of section twenty-six, and the west half of the north-west quarter of section twenty-five, in township number eleven, in range number twenty-one, in Ozaukee county, and their successors and assigns, be and they are hereby authorized to maintain a dam across Milwaukee river, at such point on said tracts of land where the dam is now built, and to make use of the water for hydraulic purposes."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1855.

Chapter 160.

An Act to extend the time of making returns of the annual assessment in Portage county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time now fixed by law for the return of the assessment of property in Portage county, is hereby extended to the 20th day of March for the present year.

SEC. 2. This act shal take effect and be in force from and after its passage.

Approved March 12, 1855.

Chapter 161.

An Act to declare certain roads in the town of Richfield to be lawful highways.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Certain roads declared lawful highways.

SECTION 1. All highways lying and being in the town of Richfield, in the county of Washington, which have been filed or recorded in the office of the town clerk of said town, are hereby declared to be lawful highways, notwithstanding any informality that may exist in said records.

SEC. 2. This act shall take effect from and after its passage.

Approved March 12, 1855.

Chapter 162.

An Act to authorize John J. Matthes to keep and maintain a ferry across the Mississippi river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That John J. Matthes, his associates or assigns, shall have the exclusive right to keep and maintain a ferry across the Mississippi river, from the south-west quarter of fractional section eleven, in town nine north, and range six west, to the most convenient point on the opposite side of said river, for the term of fifteen years. Authorized to keep ferry.

SEC. 2. Said ferry shall be subject to such regulations as other ferries, according to law, in the manner in which licensed ferries shall be kept and attended ;and no ferry shall be licensed within one mile of said ferry.

SEC. 3. The said John J. Matthes and his associates or assigns, are hereby allowed one year from the passage of this act, to build and construct a regular ferry-boat to be used on said ferry: *Provided*, He shall furnish the necessary facilities for ferrying that may be required to accommodate the travel during that time. Proviso.

Approved March 12, 1855.

Chapter 163.

An Act to vacate the plat of "Maitland Place," in the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The plat of ground known as "Maitland Place," situated in the north east quarter of section number thirty, township number seven, north of range number twenty-two, east, being in the fourth ward of the city of Milwaukee, is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved March 12, 1855.

Chapter 164.

An act to authorize the laying out of a state road from Muscoda, Grant County, to town two, range one east, in Lafayette County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. James Moore and William G. Spencer, of Muscoda, and Wm. Chapman, of Wingville, are hereby appointed commissioners to lay out and establish a state road commencing in the town of Muscoda, via Wingville, in the county of Grant, thence to the fourth principal meridian, following said line as near as practicable, until that line intersects the road (in town two, range one east, of the fourth principal meridian, in Lafayette county,) leading from Belmont, to the city of Galena. And Charles Brockway, James H. Knowlton and David Stoneheaver, are hereby appointed commissioners to lay out and continue the said road from the said point of intersection, on the nearest and best practicable, route to the village of Shullsburgh.

Compensation.

SEC. 2. The commissioners appointed by this act shall upon the performance of the work be entitled to such compensation for their services as the supervisors of the counties where such services are performed, shall deem just and proper.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1855.

Chapter 165.

An Act to amend an act entitled an act to incorporate the city of Green Bay.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section amended.

SECTION 1. Section four of the act to which this is amendatory, is hereby amended by striking out of said section four, the words "Monday" and "May" wherein it

occurs, and insert the words "Tuesday" and "April," so as to read "Tuesday" and "April" in lieu of "Monday and "May," thereby providing for the holding of elections in said city on the first Tuesday in April.

SEC. 2. All that part of section four conflicting with the provisions of this act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1855.

Chapter 166.

An Act to provide for laying out and establishing a state road from Newport, in Sauk county, to Sextonville, in Richland county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. E. B. King and E. Norris, of Sauk county, and Martin Strowd, of Richland county, are hereby appointed commissioners to lay out and locate a state road from Newport, in Sauk county, to Sextonville, in Richland county. Commissioners.

SEC. 2. It shall be the duty of said commissioners to lay out and locate said road on the most practicable route from Newport to Hubbard's bridge, on section twenty-nine, township twelve, north of range five, east, and from thence on the most practicable route to Sextonville. Duty of commissioners.

SEC. 3. The duties reposed upon said commissioners by virtue of the act shall be completed before the first day of January, eighteen hundred and fifty-six.

SEC. 4. No expenses or charges for laying out or establishing said state road shall be paid out of the state treasury, nor shall any expense for the same be chargeable to Sauk county nor to Richland county, except so far as the necessary expense incurred in running that portion of the road lying in said Richland county.

SEC. 5. This act shall be in force from and after its passage.

Approved March 12, 1855.

Chapter 167.

A bill to authorize John H. Knapp and others, to keep and maintain a Ferry across the Red Cedar River.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to maintain a ferry.

SECTION 1. John H. Knapp, Henry L. Stout, Andrew Tainter and Thomas B. Wilson, their heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the term of ten years, of keeping and maintaining a ferry across the Red Cedar River, to and from any land owned by them at Menomonee, county of Dunn, in township twenty eight (28,) range thirteen (13,) section twenty-six (26.)

Rates of ferriage.

SEC. 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject; and the proprietors thereof shall be entitled to receive for crossing, any vehicle drawn by two horses, or one yoke of oxen, forty cents; for one horse and buggy thirty cents; for each additional horse or ox, ten cents; for cattle and horses in droves, five cents each; *Provided*, That hogs and sheep shall not be charged more than three cents per head, and for foot passengers ten cents each.

SEC. 3. No ferry shall be established within one half mile of the point where said ferry shall be established.

Approved March 12, 1855.

Chapter 168.

An Act to amend an act entitled "an act to incorporate the Sheboygan and Mississippi Railroad Company," approved March 8, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Company empowered to build branch railroad.

SECTION 1. The Sheboygan and Mississippi railroad company are hereby authorized and empowered to lay out, extend and construct a branch railroad to the railroad authorized to be constructed, by an act entitled "an act to

incorporate the Sheboygan and Mississippi Railroad Company," approved March eighth, eighteen hundred and fifty-two: said branch railroad to commence at some point between the city of Sheboygan and the west line of the county of Sheboygan, and run from thence, in a northwesterly direction, to some point on the Fox river between the east line of Outagamie county and Lake Winnebago; the point of the commencement and of the termination of said branch railroad to be fixed by the board of directors of said company, as shall be for the best interest of said company; and the board of directors of said company are hereby authorized to increase the capital stock of said company to such an amount as they may at any time deem expedient to carry out the provisions and objects of this act.

SEC. 2. All the provisions of the act of which this is amendatory, in relation to entering upon, taking and making compensation for lands, for surveys, right of way, and construction, and all other provisions of said act respectively, not inconsistent herewith, shall apply as well to the said branch railroad, hereby authorized, as to the main line of the road of said company.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1855.

Chapter 169.

An Act to repeal an act entitled "an act to incorporate the Saint Louis Falls and Nemadji Railroad Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "an act to incorporate the Saint Louis Falls and Nemadji Railroad Company," approved April 3, 1854, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Act repealed.

Approved March 13, 1855.

Chapter 170.

An Act to amend the charter of the North Western Iron Company, and to repeal an act amendatory thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Charter amended.

SECTION 1. An act entitled, "an act to incorporate the North Western Iron Company," approved February 9th, 1854, is hereby so amended that no person shall be eligible to the office of director of said company, who is not, or who shall not be, at the time of his election or appointment, a stockholder in said company; and whenever any director or officer of said company, ceases to be a stockholder in said company, he shall cease to be such director or other officer in said company, and the vacancy created by such disability, may be filled in such manner as may be prescribed by the charter or by-laws of said company.

SEC. 2. The act entitled an act to amend an act, to incorporate the North-Western Iron Company, approved March twenty-eight, eighteen hundred and fifty four, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1855.

Chapter 171.

An Act to incorporate the Janesville Manufacturing and Hydraulic Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Created body corporate.

SECTION 1. J. B. Doe, Chauncy P. King, J. D. Rixford, Ira Miltimore and J. F. Willard, and such other persons as shall associate with them and become stockholders pursuant to the provisions of this act, shall be, and are hereby, created and made a body politic and corporate, in fact and in name, by the name and style of the "Janesville Manufacturing and Hydraulic Company," with perpetual suc-

cession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation, to wit: they shall be capable in law of purchasing, holding, leasing and conveying estate, either real, personal, or mixed; and in their corporate name may sue and be sued, may have and use a common seal, which they may alter at pleasure, and, generally, may do, all and singular the matters and things which they are authorized by law to do for the interest and well-being of said company: *Provided*, The real estate to be held by this corporarion at any one time shall not exceed one hundred thousand dollars. Proviso.

SEC. 2. The persons named in the first section of this act, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places as they shall deem expedient, and whenever the amount of five thousand dollars of such capital stock shall be subscribed for and distributed, and five per cent. paid thereon, said commissioners shall call a meeting of the stockholders of said company, by giving, at least, twenty days notice thereof in two or more newspapers published in the county of Rock, for the purpose of electing five directors of said company, who shall immediately proceed to elect one of their number president, and annually thereafter the stockholders shall meet for the election of directors as aforesaid, on a like notice to be given by the president or secretary in two or more newspapers of the county as they may deem proper: *Provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; and that until such election, the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of any irregularity in, or want of such election, and in case of a vacancy in the board of directors, the same may be filled by appointment of a majority of the board until the next annual election thereafter. Commissioners to open books of subscription to capital stock. Proviso.

SEC. 3. The business of said company shall be managed by a board of five directors, who shall be stockholders, and shall be chosen by ballot; the vote may be given in person or by proxy duly authorized; each share of stock shall be entitled to one vote. The directors shall make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the well-ordering of the affairs of said company, and Board of directors.

a majority of said directors shall form a quorum for the transaction of business for the company. In the absence of the president, the board may appoint a president pro tem. The board shall also appoint a secretary and treasurer who shall give bonds to be approved by the board for the safe keeping and faithful disbursement of all moneys coming into his hands, and all such other officers, clerks, agents, mechanics, laborers and servants, as they shall deem necessary, in their discretion, from time to time, to attend to, and transact or execute all the affairs and business of the said company, and fix their compensation.

May appoint certain officers.

Capital stock.

SEC. 4. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and the directors, or a majority of them, shall have power to call for such installments on each share as they may determine necessary for the interests of the company, and in case of a failure on the part of any one of the members of said company, or their assignee or assignees, to pay said installment when required, or within thirty days thereafter, all the interest they may have or possess in said company, shall be forfeited to the members thereof: *Provided*, That six weeks notice, either in writing of such case shall be given, or in some one of the newspapers printed in Janesville. Shares shall be deemed personal property, and the property of the company only, shall be liable for its debts.

Proviso.

Powers of corporation.

SEC. 5. Said corporation shall have power to manufacture farming implements, steam engines, mill gearings, and in general all kinds of machinery and articles which said company may deem it necessary for its interest to manufacture; may construct dams, canals, water-ways and reservoirs, flumes and races; build mills, machine shops, or any other fixtures their business may demand, on any lands which are now or may be hereafter owned by said company. The business office of said company shall be kept in the city of Janesville, at which place all the meetings, for the transaction of the business of the company, shall be held. The manufacturing department of said company shall also be located within or near said city of Janesville.

Further power of said company.

SEC. 6. The said company shall have power to elevate the water of the Rock river, or such portion thereof as may be necessary, at any point within, or not to exceed two miles from the said city of Janesville, to any height they may deem necessary for the purpose of supplying

said city with water, by hydrants or otherwise, to protect it from the ravages of fire, as well as to afford a plentiful supply for domestic and other purposes; and also to construct fountains, reservoirs and other necessary works, on any lands they may now or hereafter own; to make and lay conduits, pipes or tunnels, for the conveyance of water under and along highways, streets, lanes, alleys and sidewalks, or lands, or any of them, in said city of Janesville, or within two miles of the same, to put fire-plugs, or hydrants, at such places as they may deem convenient for the public use, and the same from time to time to renew or repair, leaving at all times, during the progress of said work one half of said street or alley unobstructed, and immediately after laying said pipes or conduits, restore the said street, alley or lands through which the same may pass, or which has been dug up or opened, to its former condition. And further, said company shall have the sole privilege to grant to all persons whomsoever, to all bodies corporate and politic, the privilege of using said water so introduced as aforesaid, in such manner and upon such terms and conditions, and in such quantities respectively, as they shall think fit.

Penalty for injuring property of company.

SEC. 7. If any person or persons shall wilfully pollute said water by throwing or depositing in any pipe, or tunnel, hydrant, reservoir or fountain, conducting or containing the same, any impure, unwholesome or offensive substances, or by bathing, or washing clothes, in said reservoir, or shall injure any of the works, or machinery used in raising, containing, forcing or conducting said water, the person or persons so offending shall be liable to a fine not exceeding one hundred dollars, to the use of said company, for such and every offence, recoverable before any court of competent jurisdiction, and shall also be compelled to remove all nuisances by him or them created as aforesaid, forthwith, under the further penalty of ten dollars for every twenty-four hours said nuisance shall continue, to the use of said company aforesaid: *Provided*, That said fines and penalties shall not prevent said company from recovering damages, in a civil suit for any injury done to said work.

Proviso.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 13, 1855.

Chapter 172.

An Act to authorize John H. Knapp and others to keep and maintain a boom upon the Red Cedar River.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to maintain booms.

SECTION 1. John H. Knapp, Henry L. Stout, Andrew Tainter and Thomas B. Wilson, their executors, heirs and assigns are hereby authorized and empowered to construct, keep and maintain a boom upon the Red Cedar River, at or near their mills, situated at "Menomonee," on section twenty-six (26,) township twenty-eight (28,) range thirteen (13,) west of the fourth (4th) principal meridian, in the county of Dunn.

Proviso.

SEC. 2. Said boom shall be so constructed as to admit the free passage of logs: *Provided*, That the proprietors of said boom shall not retain the logs of other persons longer than a reasonable and sufficient time to "sort out" their own logs from the remainder of the "drive."

Penalty for injuring booms.

SEC. 3. Any person or persons who shall wilfully break or destroy said boom in whole or in part, or loose it from its moorings, shall be responsible to the proprietors thereof in an action of trespass for the amount of the damages done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction.

SEC. 4. This act shall be in force from and after its passage.

Approved March 13, 1855.

Chapter 173.

An Act to authorize the apportionment of school money to district number two, in the town of Spring Vale, in Columbia County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The district clerk of school district number two, in the town of Spring Vale, in Columbia county, is hereby authorized and required to forthwith report to the

state superintendent the length of time during which a school was taught in said district in the year eighteen hundred and fifty-four; and if it shall appear from such report that a school was taught in said district during said year for three months, then the said district shall be entitled to receive its share of the school monies in the year eighteen hundred and fifty-five, to the same amount as if the said report had been made within the time required by law, to the town suprintendent, and duly reported to the state superintendent.

SEC. 2. This act shall take effect from and after its passage.

Approved March 13, 1855.

Chapter 174.

An Act to incorporate the Mount Morris Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Andrew J. Tanner, James L. Hasford, Henry Seabolt, Robert H. Gardner, James Morse, and such other persons as may hereafter be associated with them, be and are hereby created a body politic and corporate, with perpetual succession, by the name and title of the Mount Morris Academy; to be located in or near the village of Mount Morris, in the county of Waushara, for the purpose of educating youth of both sexes; by which name they and their successors shall forever be known. Corporators.

SEC. 2. The said corporation shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity; and further shall have power to borrow any sum or sums of money necessary for the purpose of the said corporation; and to receive as a gift, or to purchase, use, possess, hold and enjoy property, real, personal, and mixed, and to sell, lease, convey, rent or otherwise dispose of the same at pleasure, not exceeding thirty thousand dollars in value. Powers of corporation.

Capital stock.

SEC. 3. The capital stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporotion, in such manner as shall be directed in the by-laws of said corporation.

Manner of calling meeting.

SEC. 4. Any three of the above named persons shall have power to call a meeting of said association for the purpose of organizing the same, by publishing a notice thereof for two weeks, in some newspaper published in the county of Wanshara, or by posting up notices in three different places in the village of Mount Morris.

SEC. 5. At all elections and meetings of said association, each stockholder shall be entitled to cast one vote for each share of stock owned by him, and such vote may be given either in person or by proxy.

Election of trustees.

SEC. 6. At the first, or any subsequent legally notified meeting, the said persons above named and their associates, or a majority of them, shall have power to elect a board of trustees, to consist of five members, who shall be stockholers in said corporation, and who shall hold their office for one year, and until their successors are chosen, and who shall be elected annually, at such time and in such manner as may be provided in the by-laws of said corporation. Any three of the trustees shall constitute a quorum for the transaction of business.

Powers and duties of trustees.

SEC. 7. The board of trustees shall have power to elect from their number a president, secretary and treasurer, and also to appoint all other subordinate officers of the corporation; to call special meetings of the stockholders for the purpose of filling vacancies which may occur in the board of trustees; to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation; to erect and keep in repair all necessary buildings; to employ suitable teachers, and prescribe and direct the course of studies to be pursued, and the discipline to be observed in said academy; to prescribe the duties and fix the salaries of all officers of said corporation, and to remove and suspend them from office for incapacity, immoral conduct or misbehaviour in office.—They shall also procure a common seal for the said corporation, which they may at any time alter or renew, and shall adopt such a code of by-laws for the government of said corporation as they shall deem necessary, not inconsistent with the constitution and laws of this state.

SEC. 8. The library, cabinet, apparatus and books, and all lands, not exceeding forty acres, belonging to the said corporation, shall be exempt from taxation. Property exempt from taxation.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 13, 1855.

Chapter 175.

An Act to incorporate the Dodge County Iron and Steel Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jacob L. Bean, Rufus A. Gilman and Benjamin H. Moeses, together with such other persons as may hereafter become subscribers to the capital stock of this company, in the manner hereinafter described, their successors and assigns, are hereby constituted a body corporate and politic, by the name and style of "The Dodge County Iron and Steel Manufacturing Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto in all courts of law or equity; and may use and enjoy all the powers and privileges of a body corporate; they shall have a common seal and may alter the same at pleasure. Created body corporate.

SEC. 2. The capital stock of said company shall consist of one thousand shares, of one hundred dollars each, and the persons named in the first section of this act, or a majority of them may, at such times and places as they may decide, open books of subscription to the capital stock of said company; and as soon as one hundred shares of the stock are subscribed, and five dollars on each share subscribed has been paid in, they may call a meeting of the stockholders, for the election of directors and organize the company. Capital stock.

SEC. 3. The business of said company shall be conducted by a board of directors, to be elected annually, of not less than three nor more than seven, who shall be elected by ballot, and who are stockholders in the company; and Board of directors.

they shall hold their office until others are elected; each share of stock shall have one vote, by person or proxy. The said directors may appoint one of their number president, and such other officers and agents as they may require to carry on the business of said corporation.

Objects of corporation.

SEC. 4. The objects of said corporation shall be to manufacture iron and steel, and to work the same into such forms, wares and articles of merchandize as the demands and business of the country may require.

Company may hold real estate.

SEC. 5. The said company shall have power to purchase and hold, and convey, such real estate as may be required to carry out the purposes and objects of their corporation, not exceeding fifty thousand dollars in value. The stock of the company shall be deemed personal property, and as such shall be liable for all debts of the company; and shall be transferrable in such manner as may be prescribed in the by-laws of said company; and said company shall have power to borrow money, contract debts, issue bonds, give notes, and may pledge or mortgage the real or personal property of the compauy, for and in the prosecution and transaction of the business of said company.

May make by-laws, &c.

SEC. 6. Such company shall have power to make and establish such by-laws, rules and regulations for the management, control and disposition of the stock or property, and business of said company, not inconsistent with the laws and constitution of this state or the United States, as they may deem expedient, and may alter or modify the same at any annual meeting.

SEC. 7. This act shall take effect and be in force from nad after its passage.

Approved March 16, 1855.

Chapter 176.

An Act to amend an act entitled an act to incorporate the Lawrenco Institute, of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The president of the faculty of said institute, now known as the Lawrence University, and the visiting committee, provided for in said act, shall be

ex officio trustees, with all the rights and duties of other trustees.

SEC. 2. That the number of trustees, exclusive of said president of the faculty and visiting committee, be increased by the addition of twelve, to be elected as in said act provided, and to be equally distributed among the three classes specified in the fifth section of said original act; and nine of the twenty-five trustees shall constitute a quorum.

SEC. 3. This act to take effect from and after its passage.

Approved March 16, 1855.

Chapter 177.

An Act to provide for the assessment of additional road taxes in the town of Ashford, in the county of Fond du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town supervisors of the town of Ashford, in the county of Fond du Lac, are hereby authorized and empowered to assess for said town the residue of highway taxes, specified in clause two, of section twenty-two, of chapter sixteen of the revised statutes, an amount not more than twenty mills on the dollar on the valuation of real and personal property, in such town, in each district. Such tax to be paid or collected in the same manner as such highway tax in the clause of section two aforesaid, are required to be paid or collected. **Authorized to assess tax.**

SEC. 2. This act shall take effect and be in force from and after its passage and publication, and shall remain in full force for the space of three years, unless sooner repealed; and shall, during the said three years, or until its repeal, have the effect to suspend all acts and parts of acts inconsistent with this act, so far as the town aforesaid is concerned.

Approved March 16, 1855.

Chapter 178.

An Act to authorize the laying out of a state road therein described.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. A. L. McCrea, W. S. Lathrop and George C. Cole, are hereby appointed commissioners for the purpose of laying out and establishing a state road from the mouth of the Little Pigeon River, in the county of Sheboygan, westwardly to the Calumet road in said county.

SEC. 2. Said commissioners before proceeding to lay out and establish said road, shall, at least two weeks previous to the time fixed by them for commencing to survey and establish the same, post up in three public places in each of the towns of Herman and Morel in said county of Sheboygan, written notices specifying the time and place at which they will meet for the purpose of commencing the survey of said road.

Damages to be ascertained.

SEC. 3. The damages sustained by any person or persons by reason of the laying out and opening of said road, shall be ascertained and established in the manner provided in section eighty-three, of chapter sixteen, of the revised statutes of this state.

SEC. 4. Said commissioners shall receive such compensation for their services as shall be allowed by the board of supervisors of Sheboygan county: *Provided*, That no part thereof shall be paid by the state.

Proviso.

SEC. 5. This act shall take effect from and after its passage.

Approved March 16, 1855.

Chapter 179.

An Act to authorize the laying out of a state road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. John C. Lewis, Charles D. Westcott, Wm. Grimmer, be and they are hereby appointed commissioners to lay out and establish a state road from Appleton,

in Outagamie county, via. the northern extremity of White Lake, in Shawano county, to Shawano Mills, in Shawano county, by the most practicable route.

SEC. 2. The commissioners appointed under the provisions of act shall, upon the performance of their work, be entitled to such compensation for their services as the supervisors of the counties through which said road may run, shall allow to be paid out of the treasury of their respective counties. Compensation for services.

Approved March 19, 1855.

Chapter 180.

An Act to authorize the town of Fredonia, in Ozaukee county, to construct and maintain a bridge across Milwaukee River.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the town of Fredonia, in the county of Ozaukee, be and it is hereby authorized to construct and maintain a bridge across the Milwaukee river on the north and south centre line of section twenty-eight, in the said town of Fredonia. The said bridge to be constructed and to be under the same control and regulations as if the said river were not meandered. Authorized to construct a bridge.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1855.

Chapter 181.

An Act to provide for laying out a state road from Milwaukee to Port Washington.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Peter Martineau, of the city of Milwaukee, R. P. Derickson, of Grafton, and Wilson F. Stewart, of Port Washington, are hereby appointed commissioners to Commissioners.

lay out and establish a state road from the city of Milwaukee, on the east side of the Milwaukee river, to Port Washington, by way of Port Ulao, in Ozaukee county, on such route between the points above named as the said commissioners may deem most practicable.

SEC. 2. The said commissioners shall be entitled to such compensation for their services as may be allowed by the board of supervisors of the respective counties through which said road may pass; but no part of the expense of laying out said road shall be paid out of the State Treasury.

SEC. 3. This act shall be in force from and after its approval.

Approved March 19, 1855.

Chapter 182.

An Act to vacate the plat of block twenty-two, in the Fifth Ward of the City of Milwaukee, and authorize the owners thereof to re-plat the same.

The people of the State of Wisconsin, represened in Senate and Assembly, do enact as follows:

Plat vacated.

SECTION 1. The plat or map of block numbered twenty-two of Walker's Point, in the Fifth Ward of the city of Milwaukee, by which said block is laid off into lots, together with the alley in said block, is hereby vacated.

SEC. 2. The owners of the lots in said block are hereby authorized to re-plat said block into lots, so as to front the same upon Florida and Virginia street, with an alley of not less than twenty feet in width, running through the centre, and cause a map of the same to be made and recorded in the office of the register of deeds of Milwaukee county.

SEC. 3. This act shall take effect from and after its passage.

Approved March 19, 1855.

Chapter 183.

An Act for laying out a certain state road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. J. D. Post, Giles Doty and Noah Brooks, are hereby appointed commissioners to lay out and establish a state road, commencing at Berlin, in Marquette county, and running thence to Holly's Mills, on Pine river, in Waushara county, thence to Brooks' Mills, on Little river, in Waupacca county, thence by the way of the village of Weyauwega to New London, in the county of Waupacca, thence to intersect the state road leading from Menasha to Shawano. Commissioners to lay out state road.

SEC. 2. The said commissioners shall be entitled to receive for laying out said road, such compensation as the board of supervisors of the several counties through which the road may pass, may see fit to allow, no part of which, shall in any event, be paid out of the state treasury.

Approved March 19, 1855.

Chapter 184.

An Act to authorize the City of Portage to levy and collect a Special Tax.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Portage, in the county of Columbia, is hereby authorized to levy a special tax, upon all the taxable property in said city, not to exceed five mills on the dollar for the purpose of paying off the indebtedness to the amount of one thousand dollars, which existed against the former town of Portage City at the time of the incorporation of the city of Portage. Common council to levy a special tax.

SEC. 2. Said tax shall be collected in the manner now prescribed by law for the collection of taxes in said city, at the same time and in connexion with the general taxes

of said city, for the current year of A. D. eighteen hundred fifty-five.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1855.

Chapter 185.

An Act for a state road from Humbolt, in Milwaukee county, to Saukville, in Ozaukee county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. That Cicero Comstock, Frederick Schumacker and John J. Orton, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at or near the village of Humbolt, on the east side of the Milwaukee river, in Milwaukee county, running thence north or north-westerly, crossing said river at a bridge on or near section line between sections twenty-nine, (29,) and thirty, (30,) in town eight, (8,) range twenty-two, (22,) thence northerly, crossing said river at a bridge on or near the section line between sections nineteen, (19,) and twenty, (20,) in said town and range; thence north-westerly, intersecting the quarter section line one half mile east of the range line between ranges twenty-one, (21,) and twenty-two, (22,) east; thence north on said quarter line, or as near said line and the route aforesaid as practicable, to the village of Sackville, on or near said river, in the county of Ozaukee, Wisconsin.

SEC. 2. The said commissioners shall be entitled to such compensation for their services from the counties through which said road passes, as the supervisors of said counties shall deem just: *Provided*, the state shall be to no expense for the same.

Proviso.

Approved March 19, 1855.

Chapter 186.

An Act authorizing Thomas W. Baker and Edgar D. Beardsley, to build and maintain a dam across the Manitowoc River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Thomas W. Baker and Edgar D. Beardsley, their associates, successors, heirs and assigns, are hereby authorized to erect and maintain a dam across the Manitowoc river, on section ten, town nineteen, north of range twenty-three, east of the fourth principal meridian, in the county of Manitowoc, and to make use of the water of the Manitowoc river for hydraulic purposes: *Provided*, That the construction of said dam shall in no way infringe upon the rights of other persons not herein named. Authorized to maintain a dam. Proviso.

SEC. 2. Said dam shall not exceed ten feet in height from low water mark, and shall be so constructed as to admit of the passage of all descending rafts and water craft, which shall at all times be entitled to pass said dam free of all charges or dues of whatsoever name or nature.

SEC. 3. The legislature of this state may at any future time, alter or amend this act, whenever it shall be deemed proper to provide for the improvement of said Manitowoc river.

SEC. 4. This act shall take effect from and after its passage.

Approved March 19, 1855.

Chapter 187.

An Act to provide for laying out a State Road from Columbus, Columbia, County, to Waterloo, in Jefferson County.

The people of the state of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. That Duncan Campbell, of Portland, George Griswold, of Columbus, and Phillip P. Brush, of Waterloo, be and they are hereby appointed to lay out and es- To lay out a state road.

tablish a state road from Columbus, in Columbia county, to Waterloo, in Jefferson county; the said commissioners are authorized to adopt such portions of highways already established as they may think advisable; and shall receive such compensation for their services as the counties through which said road may run as they may deem just and proper: *Provided*, No part of the expense shall be paid out of the state treasury.

Proviso.

Approved March 21, 1855.

Chapter 188.

An Act authorizing Ezra Wescott to build and maintain a dam across the Peckatonica River, in Lafayette County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To erect and maintain a dam.

SECTION 1. Ezra Wescott, his associates, successors, heirs and assigns, are hereby authorized to erect and maintain a dam, not exceeding eight feet in height above high water mark, across the Peckatonica river, in said county of Lafayette, on any land he or they now or hereafter may own, on section one, (1,) or two, (2,) town one, (1,) north, and range four, (4,) east; or within eighty rods below said section, on said stream; and to erect and maintain all necessary appendages to enable him to use said water for hydraulic purposes.

To compensate for damages.

SEC. 2. In the event that such dam shall cause the water to flow back on any lands not owned by said Wescott, or others authorized to build and maintain said dam, then he or they shall pay to the owner or owners of such land such sum as such land may be reasonably worth, irrespective of any enhancement of the value thereof, by occasion of the erection of said dam; such value to be ascertained by the verdict of a jury in an action of trespass, (and by no other mode,) to be by such owner or owners brought in any court of record within said county of Lafayette.

SEC. 3. The said Ezra Wescott, his associates, successors, heirs and assigns, shall construct and keep in good repair a sufficient slide, not less than twelve feet wide in the

clear, and so constructed as not to cause a fall of more than three to every twelve feet horizontal surface; to admit of the free passage of fish over said dam.

SEC. 4. The said Ezra Wescott, his associates, successers, heirs and assigns, shall, when the public interest and convenience may require, construct and maintain in said dam, a convenient lock or locks, for the passage of all boats, barges or other water craft, and shall attend upon and pass and re-pass the same free of expense, both to the owners and navigators thereof.

SEC. 5. The legislature may, at any time, amend this act, when the public interest and convenience may require.

Approved March 20, 1855.

Chapter 189.

An Act to lay out a State Road from Portage City via Reedsburgh, Little Baraboo Prairie and La Crosse Prairie to La Crosse.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Jonas Tower, A. S. Archer and Putnam Fuller, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at a point where the present state road crosses the north and south line between the counties of Columbia and Sauk, thence westerly on the best and most practicable route to Reedsburgh and Little Baraboo Prairie, upon the Little Baraboo River; thence westerly across the Kickapoo to La Crosse Prairie, and thence to La Crosse. The commissioners shall have power to adopt so much of the present state road, known as the "Fort Winnebago and La Crosse Road," as they shall deem most advisable; and make such alterations therein by changing the route or otherwise, as the said commissioners shall deem expedient and proper. Commissioners.

SEC. 2. The commissioners shall be entitled to such compensation for their services from the counties through which the road may pass, as the supervisors of said coun-

Proviso. ties shall deem proper and just to allow: *Provided*, The state shall be to no expense for the same.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 20, 1855.

Chapter 190.

An Act in relation to the county buildings of Winnebago county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county board of supervisors of the county of Winnebago, shall have power and authority to erect or cause to be erected and located, the county buildings of said county, at such point or place within the present limits of the city of Oshkosh, in said county, as they may select for that purpose.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1855.

Chapter 191.

An Act to authorize Andrew Tainter and others to keep and maintain a ferry across Red Cedar River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To keep and maintain a ferry. SECTION 1. That Andrew Taintor, William Wilson and their associates and assigns, their heirs and executors shall have the privilege, for the term of ten years, of keeping and maintaining a ferry across the Red Cedar River, at Dunnville, in the county of Dunn, to and from any land

owned by them or either of them, in section twenty-four, township twenty-six, range thirteen, west of the fourth principal meridian.

SEC. 2. The ferry shall be subject to such regulations as other ferries are, or may be by law subject, and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by two horses or one yoke of oxen, forty cents; for each additional horse or ox, ten cents; for one horse and buggy, thirty cents; for a man and horse, twenty-five cents; for cattle and horses in droves, five cents each: *Provided*, That hogs and sheep shall not be charged more than three cents per head, and for foot passengers, ten cents each. Proviso.

SEC. 3. No ferry shall be established within one mile of the point where said ferry shall be established.

Approved March 20, 1855.

Chapter 192.

An Act to incorporate Mineral Point Seminary.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Cyrus Woodman, Isaac E. Messmore, James Hutchison, Washington Wilcox, John Murrish, John Toay, William H. Curry, William Langon, Samuel Thomas, Montgomery M. Cothren, Samuel Wheeler, Alfred Brunson, John Bracken, Robert Frazier, James Davenport, Eli C. Jones, Albert McWright, James Wallis, Thomas S. Allen, William Humbert, and Matthew Dinsdale, and their successors in office, are hereby created a body corporate and politic, to be styled the board of trustees of Mineral Point Seminary, and shall be trustees of the said corporation for the purpose of establishing, maintaining and conducting an institution of learing for the education of youth generally; and by the aforesaid corporate name, to remain in perpetual succession, with full power to sue and be sued, plead and be impleaded, to acquire, hold and convey property, real and personal, to be applied only to the objects herein proposed, the annual Corporators. Objects of association.

income of which shall not exceed ten thousand dollars; to have and use a common seal, to alter and renew the same at pleasure; to make and alter from time to time such by-laws, rules and regulations as they may deem necessary for the government of the said corporation, its officers and servants: *Provided*, That such by-laws, rules and regulations are not inconsistent with the constitution and laws of the United States or of this state.

Proviso.

Number of trustees and their powers.

SEC. 2. There shall be at all times twenty-one trustees, seven of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, until a quorum be present. The said trustees and their successors shall forever hereafter have power and authority to direct and prescribe the course of study and the discipline in said institution; also to select and appoint, by ballot or otherwise, a principal, and such professors and teachers, and such other officers as the said trustees shall deem proper; all of whom shall hold their offices during the pleasure of said trustees.

Location.

SEC. 3. The said seminary shall be located in or near the village of Mineral Point, at such place, within or near said village, as the said trustees shall determine, and shall be built on a plan sufficiently extensive to afford as ample facilities as the funds of the institution will admit of, without embarrasment, for the purposes of education.

First meeting of trustees, &c.

SEC. 4. The board of trustees shall hold their first meeting at Mineral Point, within three months after the passage of this act: *Provided*, That if a quorum fail to meet at the time, the minority shall have power to organize and adjourn, from time to time, until a quorum be present, and when so met, they shall have power to elect a president, a vice president, secretary and treasurer, who shall constitute an executive committee of said board, to execute such business of the corporation as shall be committed to by the said board or the by-laws of said corporation.

When their term shall expire.

SEC. 5. The board of trustees, at their first meeting, shall be divided into three classes, of seven members each; the term of office of the first class shall expire one year after their election; the second class shall hold their office two years, and the thrid class, three years therefrom; and the office of one class of trustees shall thereafter expire annually in rotation; the said trustees shall have power to fill all vacancies in their board occasioned by death, resignation, or otherwise, at their annual meet-

ing; and the neglect or refusal of any trustee to act as such for one year, may be considered as a resignation.

Meetings of trustees.

SEC. 6. The said trustees shall have annual meetings at such times as they shall determine; they may meet on their own adjournment, and the president, with the concurrence of two trustees, or any four trustees, may call special meetings of the board, by giving notice to each trustee, in writing or otherwise, at least ten days before the time of said meeting.

SEC. 7. The board of trustees shall faithfully apply all funds by them collected or received for the purpose, according to their best judgment, for the objects of the institution: *Provided*, That in case any donation or bequest be made for any special purpose, within the objects of the institution, it shall be so applied, and not otherwise.

Proviso.

SEC. 8. The principal of said institution shall be ex officio a member of said board of trustees.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 20, 1855.

Chapter 193.

An Act to organize Chambers Island into an Election District.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful from and after the passage of this act, for the legal voters of Chambers Island, in the waters of Green Bay, to meet at any house most convenient for them, for the purpose of opening an election poll for all elective purposes whatever.

To choose inspectors of election.

SEC. 2. The said electors when assembled on any election day shall organize by electing by viva voce three persons out of their number, to be designated as inspectors of election; and the said inspectors shall select two clerks of election, which said inspectors and clerks shall constitute a board of election.

SEC. 3. The said election shall be conducted in all res-

pects according to the provisions of chapter six of the revised statutes, entitled an act of general and special elections of the manner of conducting the same and of the canvass," not inconsistent with this act.

Duty of inspectors.

SEC. 4. After the votes have been canvassed it shall be the duty of the of the inspectors to transmit forthwith the returns of the said election to the clerk of the county board of supervisors of Brown county, to be taken into the general canvass of votes, and for so transmitting said returns, shall receive a reasonable compensation.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1855.

Chapter 194.

An Act to provide for the removal of the county seat of Waupacca county

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Electors authorized to vote upon removal of county seat.

SECTION 1. That at the annual election to be held in the month of November next, the qualified electors of the county of Waupacca, shall be and they are hereby authorized to vote for the removal of the county seat of said county, to the village of Weyauwega, in said county; and if a majority of all the votes on that subject, at such election, be in favor of such removal of said county seat to the said village of Weyauwega, then said village of Weyauwega shall be the permanent county seat of said county.

Form of ballot.

SEC. 2. The votes cast on the subject of the removal of the said county seat as above provided, shall be by ballot; said ballots shall have written or printed on them or partly written or partly printed, the words, "For removal of the county seat to Weyauwega," or the words, "Against removal of the county seat to Weyauwega," and no other form of ballot shall be counted or allowed in the canvass of said votes, under any pretence or pretext whatever, but shall be deemed to be and are hereby declared to be utterly void.

SEC. 3. All laws now in force, relative to elections, shall apply and extend to the subject matter of this act, except so far as special provision is made herein, or so far as such laws may be repugnant to the provisions of this act.

Duties of inspectors.

SEC. 4. At the close of the polls, the said votes shall be publicly canvassed by the inspectors of elections in the several towns, who shall respectively draw up a statement in writing, setting forth in words at full length the whole number of votes given "For the removal of county seat to Weyauwega," and the whole number of votes given "Against removal of county seat to Weyauwega," and shall cause a duplicate copy thereof to be made, which statement and duplicate they shall certify to be correct.

Statement to be filed.

SEC. 5. One of such statements shall be forthwith delivered to the town clerk, to be filed and preserved by him, and the other shall be enclosed, sealed up and directed to the clerk of the board of supervisors of said county, to whom such statement shall be delivered on or before Tuesday next following the election aforesaid.

Separate ballot box.

SEC. 6. It shall be the duty of the supervisors of the several towns in said county, to prepare a separate box wherein the said ballots shall be deposited.

Canvass of votes.

SEC. 7. The votes cast as above provided, shall be canvassed, certified, and the result ascertained and declared by the same officers at the time and in the manner provided by law, for canvassing, certifying and ascertaining the result of elections for county officers, and such result, when so ascertained, shall by said last canvassing officers, be reduced to writing, and by them certified to be in all respects, true and correct; and when the same is so reduced to writing and certified, the clerk of the board of county supervisors, shall record the same in some county record book in his office, and shall thereafter without delay, by mail transmit the original to the secretary of state at Madison, in said state, who shall upon the receipt thereof, file and preserve the same: *Provided*, Nothing herein contained shall prevent said board of county canvassers from adjourning from time to time until the statement of the votes of the several towns as aforesaid, shall be received by said clerk of the board of supervisors, and when so received, said board of county canvassers shall have the power to canvass the same in manner aforesaid.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 20, 1855.

Chapter 195.

An Act to incorporate the Wisconsin Teachers' Association.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators named.

SECTION 1. John G. McMynn, J. L. Pickard, E. Hodges' C. B. Goodrich, R. O. Kellogg, W. Vanness, D. Y. Kilgore, C. Childs and S. G. Stacy, with such other persons as may become associated with them, and their successors, be and are hereby created a body corporate and politic, with perpetual succession, by the name of "The Wisconsion Teachers Association," and by that name they and their successors shall ever be known, and shall have the power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law and equity.

SEC. 2. Said corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property real and personal, and to sell and convey, rent or otherwise lawfully dispose of the same at pleasure: *Provided*, That the amount of real and personal property of said corporation shall not exceed the sum of twenty thousand dollars at any one time.

Proviso.

Object defined.

SEC. 3. The purposes of said association shall be the mutual improvement of its members, and the promotion of popular education throughout the state.

SEC. 4. Said corporation shall have the power to adopt such constitution and by-laws as they may deem proper, and make such rules and regulations from time to time as may be necessary to carry into effect the provisions of this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1855.

Chapter 196.

An Act to amend an act entitled "an act to consolidate and amend the act to incorporate the City of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852, and to prescribe the form and effect of Tax Deeds in said City.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. Certificates of the sale of lands for non-payment of taxes or assessments, and charges, hereafter to be issued by the treasurer of the city of Milwaukee, under the act to which this act is amendatory, shall be in the following, or equivalent, form:

STATE OF WISCONSIN, }
MILWAUKEE CITY AND COUNTY, } ss.

I, ———— ————, Treasurer, of the city of Milwaukee, in said state, do hereby certify that on this —— day of ———, A. D. 18—, I sold at public auction, pursuant to law, (*Here describe the land sold*) unto ———— ————, for the sum of ——— dollars and —— cents, being the amount due for city taxes, assessments and charges, on said ——. This certificate bears interest at the rate of twenty-five per cent. per annum, and if the land so sold is not redeemed according to law, the owner of this certificate will be entitled to a conveyance of so much of said land as shall remain unredeemed. Form of certificate. Bears interest.

This certificate is transferrable by endorsement.

———— ————,
City Treasurer.

SEC. 2. Deeds to be executed by the treasurer of the city of Milwaukee, on account of sale of lands for taxes, or assessments and charges, under the act to which this act is amendatory, shall be signed by the treasurer of said city, sealed with the corporate seal of said city, and shall be in the following or equivalent form: Deeds to be executed.

To all to whom these presents shall come—GREETING:

Whereas, A. B. has deposited in the office of the treasurer of the city of Milwaukee, in the state of Wisconsin, (*naming the number*) certificates, whereof he is the legal owner, issued by C. D., who, at the date thereof, was treasurer of said city, whereby it appears that the following described land, situated in said city, was sold on the —— day of ———, A. D. 18—, for the non-payment of taxes, as-

sessments and charges, due thereon at the date of said sale, at public auction, by the said C. D., treasurer as aforesaid, at his office in said city, to the person (or persons, or to the said city,) and for the sum (or sums) hereinafter named, to wit: Lot ——— in block ——— in the ——— ward, of said city, for the sum of ——— dollars and —— cents, to A. B. Lot ——— in block ——— in the ——— ward of said city, for the sum of ——— dollars and —— cents, to E. F. Lot ———, block ——— in the ——— ward of said city, for the sum of ——— dollars and —— cents to the said city of Milwaukee. Which sum (or several sums) was (or were) the amount of taxes, assessments and charges due at the date of such sale on the land or lands (respectively) aforesaid; [or in case less than the whole land taxed was sold, naming the land taxed or assessed, for which tax or assessment the sale was made.]

And, whereas, it further appears that said land (or lands) is (or are) now unredeemed from such sale (excepting such portion as may have been redeemed), whereby the same has (or have) become forfeited, and according to law the owner of said certificate (or certificates) is entitled to a conveyance thereof.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That the said city of Milwaukee, and the state of Wisconsin, in consideration of the said sum (or sums of money), and of the premises, do give, grant and convey the land above described, and remaining unredeemed as aforesaid, together with the hereditaments and appurtenances, to the said A. B., and to his heirs and assigns to their sole use and benefit forever.

In testimony whereof, I, G. H., the treasurer of said city, have executed this deed, pursuant to and in virtue of the authority in me vested by law; and I have, in behalf of the said state and of the said city, hereunto subscribed my name officially, and caused to be affixed the seal of said city, on this —— day of ———, in the year eighteen hundred and ———, at Milwaukee aforesaid.

[L. S.] ———— ————,
Treasurer of the City of Milwaukee.

Done in presence of
———— ————,
———— ————.

STATE OF WISCONSIN, } ss.
MILWAUKEE COUNTY, }

On this —— day of ——, A. D. 18—, before me personally appeared the above named G. H, and acknowledged that he, as treasurer of the city of Milwaukee, in said state, executed the foregoing instrument as the deed of the said city and of the said state, for the uses and purposes therein set forth. Form of acknowledgment.

SEC. 3. Every deed made substantially according to the above, or an equivalent, form, and executed as above directed, shall be *prima faci* evidence of the regularity and correctness of all the proceedings upon which its validity may depend, and that the title to the lands which such deed purports to convey, is vested in the grantee therein named, his heirs or assigns, and no other proof of title shall be required of any person claiming title under such a deed than the production of such deed, and (if he be not the grantee therein named) of the proper evidence that he claims through such grantee.

SEC. 4. No action shall be maintained for the recovery of any land which such deed may purport to convey by any person claiming adversely to such deed, after the expiration of three years from the date of recording such deed, except in cases where the taxes or assessments and charges for which such land is alleged to have been sold shall have been paid or the land redeemed, as provided by law or where such land was not subject to taxation: *Provided*, That this section shall not be construed to apply to actions brought by the holders a of title acquired through subsequent sales for the non payment of taxes.

SEC. 5. No law hereafter enacted shall be construed to repeal, modify or effect any of the provisions of this act, unless such purpose be expressly declared therein.

SEC. 6. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

Approved March 20, 1855.

Chapter 197.

An Act to incorporate the Richland City, Richmond and West Line, plank and turnpike road company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators named.

SECTION 1. Garwood Green, —— Wallace, James Laws' Thomas Mathews, C. G. Rodolf, T. H. Daughertee and John Combs, are hereby created a body corporate, by the

Title of company.

name, style and description of the Richland City, Richmond, and west line plank and turnpike road company, with perpetual succession, and by that name shall be and are hereby made capable in law to purchase, hold, enjoy, retain to them and their successors, lands, tenements, hereditaments, so far as may be necessary for the purpose of constructing a plank or turnpike road, as hereinafter set forth, and the same to lease, sell, grant, or in any manner dispose of, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use a common seal, the same to alter or renew at pleasure, and generally may do and perform all and singular the acts and matters which to any corporation shall lawfully appertain to do and perform for the well-being of said corporation.

Capital stock.

SEC. 2. The capital stock of said corporation shall be ten thousand dollars, and shall be divided into shares of twenty-five dollars each; and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for securing subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscription, which books shall be opened within twelve months from the passage of this act, at such place or places as they may deem expedient, and so soon as fifty shares shall be subscribed for, the said corporation shall be authorized to proceed to a full and complete organization.

SEC. 3. The said corporators or a majority of them after the said fifty shares of stock shall have been subscribed as aforesaid, shall give notice of the time and place of meeting of the stockholders, for the purpose of electing three

Election of directors.

directors, who shall hold their offices until their successors are elected, and annually thereafter, upon the anniversary of the first election, upon notice of the place of

meeting being given by the directors then in being, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the corporators before named upon the subscription of fifty shares of stock, and the organizing of said corporators, by the election by them of one of their number president; shall have all the powers and perform all the duties of a board of directors for said company; and the corporate existence of said company, shall be taken and held to have began and completed, as if a regular election of directors had taken place; and in case of vacancy at any time happening in the board of corporators acting in the capacity of directors, the board shall have power to fill such vacancy.

Board to fill vacancies.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and in all elections and in all discussions of all questions acted upon at any meeting of the stockholders. Each share of stock shall be entitled to one vote, and the majority of votes cast shall govern except in elections; where the three persons having the greatest number of votes cast for directors, shall be declared duly elected.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall see fit, and shall fix their compensation; and may demand adequate security for their respective trusts, and may remove said officers and revoke all the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company; the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates and prescribing the duties of officers; all of which by-laws, not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company and all persons interested therein, as if the same formed a part of this act of incorporation.

Quorum.

Management of business.

SEC. 6. The said board of directors shall have power to decide the time and manner in which said stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon for failure to pay such installments as may be called for, and

Installments of stock.

also to except in behalf of the company, a relinquishment of any stock subscribed and executed to the person or persons relinquishing to the same valid releases discharging them from all liabilities thereafter for or on account of the acts of said company or its officers.

Tolls. SEC. 7. The said directors shall have power to regulate and receive tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the works and the interests and convenience of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed in the by-laws of said company.

Stock transferable.

Route defined. SEC. 8. The said company shall have power to locate and construct a single or double track road from some point in the village of Richland City, in the county of Richland, through the village of Richmond, thence down the Wisconsin, at the option of said company, to some point on the west line of said Richland county, as shall be determined by the directors of said company. The track of said road shall be constructed of plank, stone, gravel, or solid earth, or either, in whole or in part, of each at the option of the directors, so that the same, when completed, shall constitute a firm and regular surface.

SEC. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants at any time to enter upon, take possession of, and use such lands not exceeding four rods in width, along the line of said road, subject however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations or embankments for the construction of said road; the company may locate the route of said road not to exceed six rods in width; and they may also cut down such trees on each

side of said road as may endanger said road by falling or otherwise.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road for the purposes thereof, or for the compensation to be paid therefor; or when by absence or legal incapability of the owner or owners, no such agreement or purchases can be made therein, and in any such case it shall be lawful for any justice of peace to issue a warrant, directed to the sheriff or any constable of said county not directly interested, requiring him to summon a jury of seven freeholders of said county, not interested in said property, to meet the said justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of such warrant, and if at the time and place named, and if the person so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of seven jurors and from the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney or agent, the sheriff or constable, shall for him, them or her, strike off each two of said jurors, and the remaining three shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace, shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road and all damage which the owner or owners shall sustain by reason of the construction of said road according to the best of their skill and judgment, whereupon the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice of the peace, and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the justice of the peace; and the said justice of the peace within five days thereafter, transmit the same to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation when paid together with the costs of

Disputes, how settled.

Jury to be called.

Oath.

Verdict, how signed.

Costs how paid.

such inquisition or tendered to the owner or owners, or deposited with the said clerk of the circuit court, shall entitle the said company to the estate and interest in the same, thus valued as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said road: *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in such valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless in like manner it shall be shown that such owner or owners are under age, or *non compos mentis*, or absent from the county in which such land is situated. Such service of notice may be made upon the guardian or trustee under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury decide that the same are essential to the owner or owners thereof: *Provided*, That any party considering himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situated as in ordinary cases of appeal.

Parties notified.

May appeal

May occupy highways.

SEC. 11. The directors shall have power in their discretion to construct said road along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and in such manner as the directors shall determine: *Provided*, They procure by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town, for the construction of such proposed road, and agree with the supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of said town, and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town, and they may erect toll gates and exact toll from persons travelling on their road whenever four consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for all plank road, nor exceeding three-fourths of one

Supervisors duty.

cent per mile on all turnpike road, for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal on the plank road, and one-fourth of one cent on the turnpike road; for every sled, sleigh or carriage drawn by one animal, one cent per mile on plank, and one half cent per mile on turnpike road. The same as last above for a horse and rider or led animal; for each score of sheep or swine one cent per mile on plank and one-half cent on turnpike road; for each score of neat cattle four cents per mile on plank and one and a half cents per mile on turnpike road: *Provided*, persons going to and from military parade, at which they are required by law to attend, and persons going to and returning from funerals shall be exempt from toll. The toll gatherer at each gate when erected in said road, in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll thereon, until it is paid. Tolls. Persons exempt.

SEC. 12. The said directors may receive from any stockholder in such company, in lieu of money for the stock subscribed by him, real or personal security, labor or material, for the purposes of constructing such road, subject to the approval of said board of directors. May receive property.

SEC. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road, to be constructed by said company or any part thereof, or any work-building or fixtures attached to or in use upon the same belonging to said company, such person or persons so offending, shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company by an action of trespass in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court. Penalty for damaging works.

SEC. 14. Any person who shall wilfully break down any gate on such road which may have been erected in pursuance of this act, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to evade the payment of legal toll, or shall with his team or carriage or animal, turn out of such road, or pass any gate thereon or ground adjacent thereto and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars to and for the use of said company, and also for all damages. Penalty for not paying toll.

SEC. 15. If said corporation do not within three years after the passage of this act commence the construction of said road and expend five hundred dollars or more thereon, then the rights, privileges and powers of the said corporation under this act shall be null and void.

SEC. 16. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof, and shall take effect from and after its passage, and shall remain in full force and effect for the term of twenty years, at which time it shall cease and become null and void.

Public act.

Approved March 20, 1855.

Chapter 198.

An Act to incorporate the Sheboygan City Gas Light Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators named.

SECTION 1. William W. King, Asahel P. Lyman, Joseph F. Kirkland, J. J. Brown, Warren Smith, Frederick Ande, Francis Bischopp, Joseph Schrage, Bille Williams, and David Taylor, and such other persons as may hereafter be associated with them as stockholders, their successors and assigns, are hereby created a body corporate and politic, by the name of the "Sheboygan City Gas Light Company," with perpetual succession and by that name shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real, personal or mixed, so far as the same may be necessary and proper for the construction, extension, management and usefulness of the works of said company, and for the good government of the same; they may have a common seal, and alter the same at pleasure.

Title.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, in shares of fifty dollars each; the affairs of said company shall be managed by a board of five directors, who shall be chosen by ballot, and each share of stock shall be entitled to one vote, the votes to be delivered in person or by proxy duly authorized; and for the purpose of electing the first directors, the persons named in the preceeding section, or a majority of them, shall give ten days' notice in two newspapers printed in the city of Sheboygan, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing directors, which directors shall appoint one of their number president; and annually thereafter, on the first Monday of July, the stockholders shall meet for electing directors as aforesaid: *Provided*, That none but stockholders shall be elected directors. Capital stock. Directors, how elected. Proviso.

SEC. 3. A majority of said board shall constitute a quorum for the transaction of business; they shall have power to appoint a secretary and treasurer and such other officers and agents as may be deemed necessary, to make and prescribe such by-laws, orders and regulations respecting the management, control and disposition of the stock, property and affairs of said company, as they may deem proper, not inconsistent with the constitution and laws of the United States or of this state; to make such covenants, contracts and agreements with any person or persons, co-partnership or body politic, whatsoever, as the execution and management of the works or the convenience and interest of the company may require. Quorum.

SEC. 4. The said company shall have power and full and exclusive authority for twenty-five years from the passage of this act, to manufacture, make and sell gas, to be made from any and all the substances, or a combination thereof, from which inflamable gas is obtained, for the purpose of lighting the city of Sheboygan, or the streets thereof, or any buildings manufactories, public places, or houses therein contained; and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets, avenues, commons, lanes, or alleys in said city: *Provided*, That no permanent injury shall be done to any street, highway, lane, or alley in said city. Object and powers defined. Proviso.

SEC. 5. If from any cause an election for directors shall not be held at the time specified therefor, the corporation for that reason shall not be dissolved, but it shall be lawful

on any other day to hold an election for directors as shall be provided for in the by-laws of said corporation, and until such election, the directors of the preceeding year shall continue to act, and their doings shall be binding upon said corporation until their successors shall be elected.

Penalty for damaging works.

SEC. 6. If any person shall willfully do or cause to be done, any act or acts whatsoever, to injure any machine, pipe, or structures whatsoever, or anything appertaining to the works of said corporation, whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor and being thereof convicted, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding two years, or both: *Provided*, Such criminal prosecution shall not in any wise impair the right of said company for damage, by a civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of said corporation, in any court of the state having competent jurisdiction of the same.

Proviso.

May borrow money and execute papers.

SEC. 7. The said corporation are hereby authorized and fully empowered, in their corporate capacity, to borrow any sum or sums of money from any person or persons, corporations, or body politic, of any kind; and make and execute in their corporate name, all necessary writings, notes, bonds, or other papers; and make and execute and deliver such securities, in amount and kind, as may be deemed expedient by said corporation, for all purpose in carrying out the objects of this company; and the official acts of said company are hereby declared binding in law and equity upon said corporation, and upon all other parties to such contract.

Public act.

SEC. 8. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared a public act, and copies thereof, printed by authority of the state, shall be sufficient evidence thereof in all courts.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, March 20, 1855.

Chapter 199.

An Act to incorporate the Outagamie and Shawano Plank Road Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That J. C. Lewis, Jackson Tibbitts, G. R. Andrews, Charles D. Wescott, E. West, Luther B. Noyes and Perry H. Smith, be and are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Outagamie and Shawano plank road company; and they shall cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the time and place of holding said subscriptions, by publishing the same in a newspaper in the county of Outagamie. Corporators named. May receive subscription of stock.

SEC. 2. All persons who shall become stockholders persuant to the provisions of this act, are hereby created a body politic and corporate, in law and in fact, with perpetual succession, by the name and style of the "Outagamie and Shawano Plank Road Company," for the purpose of constructing a plank or turnpike road from such point in the village of Appleton, in Outagamie county, as said commissioners may designate, to such point in the county of Shawano, as may be determined by the same, which said company shall have power to sue and be sued in all courts; to receive by gift or purchase, and hold, all such real or personal estate as may be necessary for the construction, repair and management of said road, and the same to sell and convey or lease, to contract or be contracted with, in all matters pertaining to the objects and interests of said road; to have and use a common seal, which they may alter or renew at pleasure; and pass all by-laws necessary for the government of said company. Title. Route.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and shall be assignable and transferable in such manner and form as shall be prescribed by the by-laws of said company. Capital stock.

SEC. 4. Whenever five thousand dollars of the capital stock of said company shall be subscribed for, and dis-

Meeting of stockholders.

tributed, it shall be the duty of the commissioners named in this act, to call a meeting of the stockholders at such time and place as they may designate, by giving notice in some newspaper published in either of the counties through which said road is to run, for the purpose of chosing and electing a board of five directors, and the persons there chosen shall be the first directors of said company, and shall hold their offices for one year and until others are chosen in their stead; said board to be elected by ballot by the stockholders of said company, and each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy. Said board of directors to choose one of their number as president of the company, who shall hold his office for one year and until his successor is elected.

Election of directors.

First installment.

SEC. 5. Whenever five thousand dollars of the capital stock of said company shall be subscribed, the directors of said company may call upon the stockholders of the same for the first installment of ten per cent. on each share of stock, which may be paid to the treasurer of said company, chosen by said board of directors, within thirty days after a call for such installment shall be made, by publication in one or more newspapers printed in either of the counties through which said road shall pass.

Notice.

SEC. 6. The company, when so organized, shall have the right to locate and construct a single or double track plank road between the points designated by the commissioners aforesaid, or any part thereof of the distance, and may connect said road, and use the same with other roads in the state of Wisconsin. The track of said road shall be constructed of timber, stone, plank or gravel, so as to have a smooth and even surface. The particular manner of building said road to be determined by the board of directors.

Kind of road.

May use highways.

SEC. 7. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any highway, they shall have power to contract with the supervisors of the town in which said road may be, for the right to use such highway for the purpose of said road, and the supervisors of towns through which this road may pass, shall have the power, and they are hereby authorized to grant to said company the right to use any highway in their town, as aforesaid, on such terms as they may agree.

SEC. 8. If the said company shall not within six years

from the passage of this act, commence the construction of said road, and shall not, within that time, have constructed a single or double track, as aforesaid, for the distance of ten miles, then and in that case it shall be considered a violation and non-user of their charter, and all the rights, privileges and powers of said company, under this act, shall be resumed by the state of Wisconsin, and such disposition made, with regard to the whole or any portion of said road, which may have been constructed, as the legislature thereof may deem meet and proper, consistent with law and justice. How may forfeit charter.

SEC. 9. It shall and may be lawful for said company, their officers, engineers or agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings or any fixtures or any erections, for the purpose of trade, or manufactures, or any yard or enclosure necessary for the use or enjoyment thereof, without permission from the owners, and when the said route shall be determined by the said company, it shall be lawful for them, their officers, engineers, agents, contractors and servants, at any time to enter upon, take possession of and use such lands, to the width of four rods, and also to take from any land adjoining said road, gravel, stone or earth, for the purpose of constructing or repairing said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, and shall be ascertained in the manner hereafter directed and provided. Locating route.

SEC. 10. Whenever it shall be necessary for the said company to enter upon and occupy for the purpose of making said road, any land upon which the same may be located, and the owner or owners thereof shall refuse to permit such entry or occupation, and if the parties cannot agree upon the compensation to be made for any injury that may be done to such land, by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate the same, who shall take an oath or affirmation, fairly and impartially to estimate the same, and who shall reside within the counties where the land lies: the expenses incurred by said appraisers shall be defrayed by said company; but if the parties cannot agree upon such persons, or if the persons Expenses, how paid.

so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment upon him made, within twenty days after the requisition for that purpose, it shall be lawful for the judge of the circuit court of the circuit in which such land lies, on application of either party, and at the cost and charges of said company, to appoint three disinterested persons of said county, to view and examine said lands, and estimate the injury or damage, if any, in their judgment will be sustained, as aforesaid, by reason of the location of said road, and report the same under oath or affirmation, to the circuit court of said county, which report being confirmed by said court, judgment shall be entered thereon; the said appraisers shall be entitled to two dollars per day for their services, to be paid by the said company, in all cases where the damage shall be assessed to a greater amount than the sum that may have been tendered by said company, for the use of said land, or be paid by the owner or owners, in case the assessed damages shall not be greater than the sum thus tendered: *Provided*, That in case the owner or owners of such land shall be under any legal disability, the cost of such assessment shall be paid by said company, and it shall be the duty of the appraisers, in estimating such damages, to take into consideration the advantages that may accrue to the owner or owners of said lands from the construction of said road: *Provided, further*, That either party may appeal to the said court, within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court: *And Provided, also*, That upon payment, or tender of payment, of the sum specified in the report of said viewers or appraisers, to the owners to said land, or a deposite of the same, for their benefit, with the clerk of the circuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

Appraisers to be appointed.

Proviso.

Proviso.

Proviso.

Officers.

SEC. 11. The directors of said company may appoint a a secretary, treasurer, and such other officers as they may find necessary; and shall have full power to decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person or persons failing to pay any installments so required to be paid after advertisement of

the same for a period not less than forty days, in one or more newspapers as hereinbefore provided: *Provided*, That no installment shall be called for by the directors without giving at least thirty days' notice in the newspaper aforesaid. Proviso.

SEC. 12. The directors elected as aforesaid shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in the said company, signed by the president, countersigned by the secretary, and sealed by the common seal; subject, however, to all the payments due and to become due thereon, which stock may be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulation as may be provided for in the by-laws of said corporation. Certificates of stock.

SEC. 13. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by the directors, their order or by any number of the stockholders holding one-fourth in amount of the capital stock of the company, on like notice as required for annual meeting; but no business shall be transacted at such special meeting unless a majority in value of all the capital stock of said company shall be then and there represented.

SEC. 14. On completion of, or any portion of said track, not less than three consecutive miles, said company may erect one or more toll gates upon their road, but not at a less distance than three miles and may demand and receive such tolls as from time to time they think reasonable, not exceeding two cents per mile for any vehicle drawn by two animals, one-half cent per mile for every additional animal; for every vehicle drawn by one animal, one cent per mile; for every horse and rider or led horse, three-fourths of a cent per mile; and for every twenty sheep or swine, and for every twenty neat cattle, one cent per mile: *Provided*, That persons going to and from military parade, at which they are required by law to attend, and persons going to and from funerals shall be exempt from tolls. The toll gatherer at each gate, when erected on said road in pursuance of this act may detain and prevent from passing each gate any animal or carriage subject to toll until the same is paid. Rates of tolls. Proviso.

Penalty for damaging works.

SEC. 15. If any person shall wilfully and knowingly obstruct, break, injure or destroy the road to be constructed by said company, or any part thereof, or any work, building or fixture, attached to or in use upon the same, belonging to said company, such person or persons so offending shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction thereof, in the county wherein such offence shall have been committed, and shall also be subject to indictment, and upon conviction of such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 16. The property of every individual which may be invested in said corporation, shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: *Provided*, That all debts due said company from such individuals shall be first paid.

Proviso.

Amout of debt restricted,

SEC. 17. The debts and liabilities of said corporation shall not exceed in amount seventy-five per cent of its capital actually paid in; and if any debts and liabilities shall at any time be incurred to a greater amount than is provided for by this section, the directors of said company shall be jointly and severally liable for such excess in addition to their other liabilities at law as provided in this act.

May extend road.

SEC. 18. The said company shall have the right and the right is hereby granted to said company, to extend the track of said road, under the provisions of this act, to some point in Wassau, in the county of Marathon, such point to be determined by the board of directors of said company and also to construct a branch to New London, in the county of Waupacca.

May increase capital stock.

SEC. 19. The directors of said company may at any annual or special meeting of the stockholders with the consent of a majority in amount of such stockholders, provide for the increase of the capital stock of said company to such extent as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means; *Provided*, That the whole stock of said company shall not be so increased as to exceed at any time five thousand dollars per mile for each mile of road.

Proviso.

Public act described.

SEC. 20. This act shall take effect from and after its passage, and shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared

to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

SEC. 21. This act may be altered or amended by any future legislature of the state of Wisconsin.

Approved March 20, 1855.

Chapter 200.

An Act to provide for laying out certain Roads therein described.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Charles D. Wescott, John C. Lewis and Wm. Grimmer, be and they are hereby appointed commissioners to lay out and establish a state road from Wausau, in Marathon county, to Shawano Mills, in Shawano county, by the most practicable route, and also to lay out and establish a state road from Shawano Mills, in Shawano county, to the state line between the state of Wisconsin and the state of Michigan, in the direction of Ontonagon, on Lake Superior, by the most practicable route. Commissioners named. Route.

SEC. 2. The commissioners appointed under the provisions of this act, shall upon the performance of the work, be entitled to such compensation for their services as the supervisors of the counties through which either of said roads may run, shall allow to be paid out of the treasury of their respective counties. Compensation

Approved March 20, 1855.

Chapter 201.

An Act to incorporate the "Stevens' Point Academy," in Portage county

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators named.

SECTION 1. That George W. Cate, Andrew Warrings, John H. Morrison, A. G. Ellis, N. F. Bliss, John Phillips, J. B. Phelps, E. G. Bean, Orrin Maybee, and their associates, together with such persons as may hereafter be associated with them, be, and are hereby created a body corporate and politic with perpetual succession, under the

Title.

name and title of "The Stevens' Point Academy," by which name they and their successors shall be ever known.

Franchises.

SEC. 2. Said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; it shall have a common seal, and may alter or renew the same at pleasure; it shall have power to acquire, purchase, receive by gift, possess, hold and enjoy property, real and personal, and to mortgage, sell, convey, rent, or

Proviso.

otherwise lawfully dispose of the same at pleasure: *Provided*, The real estate to be held by this corporation at any one time shall not exceed in value the sum of thirty thousand dollars.

Shares of stock.

SEC. 3. The stock of said corporation shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation, in such manner as shall be prescribed by its by-laws.

Trustees.

SEC. 4. The business of said corporation shall be managed by a board of seven trustees, who shall be elected by ballot, annually, by the stockholders, from their number, and who shall hold their office until their successors are duly elected. A majority of said trustees shall constitute

Quorum.

a quorum.

Officers.

SEC. 5. The trustees shall have power to elect from their number a president, secretary and treasurer; also, to elect all other officers of the corporation; to call special meetings of the stockholders; to fill vacancies in the board of trustees; to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders; to direct and keep in repair all necessary buildings for the use of said corporation; to employ suitable teachers and to give

direction as to the course of study and discipline to be observed in the academy, and generally to manage the business and funds of said corporation, and to make all rules, regulations and by-laws necessary to carry into effect the power herein granted, and not inconsistent with the constitution and laws of this state.

SEC. 6. Any five of the above named persons shall have power to call a meeting of said association for the purpose of electing the first board of trustees, by giving six days notice thereof, by publishing in the Wisconsin Pinery, a paper published at Stevens' Point, Portage county, where said corporation is hereby located. Election of trustees.

SEC. 7. At all elections and meetings of said association, each stockholder shall be entitled to one vote for each share of stock owned by him: *Provided*, at meetings of the board of trustees, each trustee shall cast but one vote. Proviso.

SEC. 8. There shall be no sectarian instruction in said institution; and no religious test or qualification shall be required of any trustee, officer, teacher or student of the same.

SEC. 9. This act may be amended by any future legislature.

SEC. 10. This act shall be in force from and after its passage.

Approved March 20, 1855.

Chapter 202.

An Act to authorize the collection of Taxes in the Town of Willow Springs' in the County of La Fayette, for the year 1849.

Whereas, the taxes levied and extended on the assessment roll of the town of Willow Springs, in the county of La Fayette, for the year one thousand eight and forty-nine, remain unpaid, or the greater part thereof, and the assessment roll has been returned to the county treasurer of said county of La Fayette; but in such manner that doubts have arisen as to the legal propriety of collecting said taxes, by advertisement and sale, by the said county treasurer, as on other delinquent lists: Therefore, in order to remove all difficulties and doubts, and to enable the tax Preamble.

payers of said town of Willow Springs to pay a reasonable tax for the said year one thousand eight hundred and forty nine.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That when the assessment roll of said town of Willow Springs for the present year, (1855) is equalized by the board of supervisors of said county of La Fayette, the clerk of said board shall in addition to his other duties, note on said roll the property real and personal on which taxes were paid in said town for the said year one thousand eight hundred and forty-nine, either to the town treasurer of said town as collector, or to the said county treasurer, as the same appears on the said assessment roll for said year, returned as aforesaid to said county treasurer. And then said clerk shall deliver the same as now required by law, to the supervisor of the said town of Willow Springs, who shall deliver the same to the clerk of said town; and the said town clerk shall in addition to the duties now required of him by law, after calculating and carrying out the total amount of state, county, school, town and other local taxes, and adding the five per cent. for collection, add a like amount of each specific tax, and the said five per cent. in every instance, where it does not appear from the roll, that the taxes, for the said year one thousand eight hundred and forty-nine, have been paid.

Duty of clerk of board of supervisors.

Duty of town clerk.

SEC. 2. That a fair copy of such assessment roll thus prepared shall be delivered as now required by law, by said town clerk to the treasurer of said town, with the warrant annexed as also provided by law. And the said treasurer shall proceed in the manner and within the time now prescribed by law to collect the specific taxes calculated and carried out on said roll, and the said five per cent. for collection. Whenever the said treasurer shall collect the single amount, and the like amount added as aforesaid, he shall specify in his receipt that the amount received is for the taxes of the years one thousand eight hundred and forty-nine and one thousand eight hundred and fifty-five.

Duty of town treasurer.

SEC. 3. If it shall appear to the said town treasurer, by receipt or other satisfactory evidence, that the taxes for the said year one thousand eight hundred and forty-nine, on any property real or personal assessed on said roll, and which has not been noted as paid by the said clerk of the board of supervisors of said county as hereinbefore direct-

When shall not collect.

ed, the treasurer shall not collect the said amount added as the taxes of the said year one thousand eight hundred and forty-nine, but shall note the fact on said roll, and shall not be responsible threrefor to the town or county.

SEC. 4. The said town treasurer shall retain the town taxes, and pay over to the county treasury, the taxes collected by him, under the provisions of this act, for the said year one thousand eight hundred and forty-nine, as now required by law in relation to the collection, retaining and paying over taxes by town treasusers.

SEC. 5. That this act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1855.

Chapter 203.

An Act relative to certain tax titles in the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All tax certificates (commonly so called,) issued by the treasurer of the city of Milwaukee, prior to the year 1853, on sales of lands situated in the said city, for the non payment of any taxes, assessments or charges, are hereby declared to be assignable by delivery, after the endorsement of the same by the person to whom such certificates have been issued, or by the treasurer of said city, in cases where they have been bid in for the said city; and all assignments or transfers of such certificates heretofore made, or attempted to be made, by endorsement of the purchaser, or of the present or any former city treasurer, (in cases where the said certificates have been bid in for the said city,) are hereby declared valid and effectual: *Provided*, That the treasurer shall not transfer such certificates for a less price than may be allowed by law, or by the order of the common council of said city.

Certificates made assignable.

Assignments valid.

Proviso.

SEC. 2. After the expiration of three years from the date of any such certificates, or, if any other time may have been fixed by law for the redemption of the lands

Redemption clause.

described therein, then after the expiration of the time so limited, the holder of such certificate is hereby declared to be entitled to a conveyance of so much of the land therein described as remains unredeemed from such sale. Such conveyance shall be signed by the treasurer of the said city, and sealed with the seal of the said city, and shall be substantially in the following, or an equivalent form:

Form. To all to whom these presents shall come greeting:

Whereas, A. B. has deposited in the office of the treasurer of the city of Milwaukee, in the State of Wisconsin, a certificate, (or certificates,) whereof he is the legal holder, issued by C. D., who, at the date thereof, was the treasurer of said city, whereby it appears that the lands situated in said city, and hereinafter described, was on the —— day of ——, A. D., eighteen hundred and ——, sold at public auction, in said city, by the said C. D., treasurer as aforesaid, for the non-payment of taxes, including assessments and charges, due on said lands at the date of such sale, to the person (or several persons, or to the said city, and to the person or several persons,) and for the sum (or several sums) hereinafter named, to wit:

Lot ——, in block ——, in the —— ward, to E. F., for the sum of ——. Lot —— in block ——, in the —— ward, for the sum of ———. Which sum (or several sums) was (or were) the amount of taxes, including assessments and charges, due on the said land, (or lands respectively,) for city (or state and county, or city, state and county,) purposes, at the date of such sale.

And whereas, it appears that said lands are unredeemed from such sale, (excepting the portion, if any, redeemed,) and have become forfeited, and the said A. B. is by law entitled to a conveyance thereof.

Now, therefore, know all men by these presents, That the said city of Milwaukee, in consideration of the said sum (or sums) of money, and of the premises, and in conformity to law, hath given, granted and conveyed, and hereby doth give, grant and convey the lands above described and remaining unredeemed as aforesaid, together with the hereditaments and appurtenances, to the said (A. B.) and to his heirs and assigns, to their sole use and benefit forever.

In testimony whereof, I, G. H., the treasurer of said city, have executed this deed, in virtue of the authority in me vested; and I have, in the name and behalf of

the said city, hereunto subscribed my name officially, and have caused to be affixed hereto the seal of the said city, at Milwaukee aforesaid, on this ——— day of ——— A. D. eighteen hundred and———

[L. S.] G. H., Treasurer of the city of Milwaukee.

Done in presence of }
}

STATE OF WISCONSIN, } ss.
MILWAUKEE COUNTY. }

On this ——— day of ——— A. D. eighteen hundred ———, before me personally appeared the above named G. H., and acknowledged that he, as the treasurer of the city of Milwaukee above named, executed the foregoing instrument, for the uses and purposes therein mentioned.

Evidence of title.

SEC. 3. Every deed made and executed substantially in the above, or equivalent form, shall be prima facie evidence that all the proceedings necessary to the validity and effectual operation of such deed, have been had according to law; and shall also be prima facie evidence that the title to the lands which said deed may purport to convey, is vested in the grantee therein named, his heirs or assigns, from the date of such deed, and no other proof of the title shall be required of any person claiming title under such deed, than the production of such deed, and (if he be not the grantee therein named,) of the proper evidence that he claims through such grantee.

Deeds valid.

SEC. 4. Every conveyance heretofore made and executed by the treasurer of said city, substantially in form according to the provisions of sections three and five of an act entitled "An act to amend the several laws of this State relating to the sale of lands for taxes, and the manner of perfecting tax titles," approved March thirty-first, eighteen hundred and fifty four, and purporting to be executed upon the deposite in his office of a certificate or certificates of even date with each other, issued by any former treasurer of the city of Milwaukee, shall have all the force and effect, in every respect, as is given by this act to deeds made and executed as prescribed in section two of this act.

SEC. 5. No action shall be maintained for the recovery of lands, which any deed hereafter made and executed substantially according to the provisions of this act, or heretofore made and executed, as specified in the last preceeding section, may purport to convey, by any person

or body corporate, claiming adversely to such deed, after the expiration of three years from the date of recording such deed; unless the taxes, assessments or charges, for which said lands are alleged to have been sold, shall have been paid before such sale, or said lands redeemed according to law, after such sale: *Provided*, That this section shall not be construed to be a bar to actions brought by any person deriving title under a sale for non-payment of taxes, assessments or charges, made subsequently to the sale set forth in such deed.

Proviso.

SEC. 6. No law hereafter enacted shall be construed to repeal, modify or affect any of the provisions of this act, unless such purpose be expressly declared therein.

SEC 7. This act shall be published immediately after its passage, and shall take effect after its publication.

Approved March 29, 1855.

Chapter 204.

An Act to incorporate the Wisconsin State Telegraph Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators named.

SECTION 1. E. Cornell, J. S. Draper, J. B. Stone, C. C. Sholes and J. Murray, with their associates, be, and are hereby created a body politic and corporate, with perpetual succession, by the name and style of the "Wisconsin State Telegraph Company," and by that name they and their successors shall be capable in law, of contracting and being contracted with, sueing and being sued, defending and being defended, in all courts and places, and in all matters whatever, with full power to purchase, hold and occupy, all such real and personal estate as may be necessary for the construction, extension and usefulness of the work of said corporation; and they may have a common seal, and the same may be altered and renewed at pleasure.

Title.

SEC. 2. The stock, property and concerns, of said corporation, shall be managed and controlled by a board of five directors, including a president, who shall also be a director, and who shall respectively be stockholders in said

corporation, and who shall, except for the first year, be annually elected by the stockholders at such time and place as shall be fixed by the by-laws of said corporation. E. Cornell, J. S. Draper, J. B. Stone, C. C. Sholes and J. Murray, shall be the first directors of said corporation and shall hold their respective offices until their successors are chosen and qualified. The first annual election of directors shall be holden on the second Tuesday in May, A. D. eighteen hundred and fifty-six, in the village of Madison, at the office of the company, in said village, at two o'clock, P. M. of said day. First directors.

SEC. 3. In case it shall happen at any time that an election of directors shall not be made on the day fixed for such election, the corporation for this reason shall not be dissolved, but it shall be lawful to hold an election on any other day under such rules and regulations as may be prescribed by the by-laws of said company.

SEC. 4. The directors of said corporation shall have power to make and prescribe such by-laws and regulations, respecting the management and control of the stock, property and business of such corporation, as they may deem necessary and proper; and shall have power to employ agents, officers and clerks, for conducting the business of said company, and prescribe the duties, and the salaries and wages to be paid them. By-laws and rules.

SEC. 5. It shall be lawful to call in and demand from the stockholders, respectively, all sums of money by them subscribed, at such times and in such payments as they deem proper, and if any stockholder or subscriber to the capital stock shall fail to pay the amount so required to be paid at the times required for such payments, the stock of such delinquent stockholder or such portion thereof as may be necessary to meet such payments, may be sold by the directors at public auction, after giving public notice, at least twenty days previous to the sale, in some public newspaper published and of general circulation in the village of Madison, Wisconsin. And the surplus of said sale, if any, over the amount due, the company and the costs of said sale, shall be paid to such delinquent stock holder. Installments.

SEC. 6. The stock of said corporation shall be deemed personal property, and be transferable in such manner as may be prescribed by the by-laws of said corporation, but no share shall be transferable until the full amount shall be paid, or shall have been sold as provided for in the prece- Stock personal property.

ding section, for non payment of calls thereon; and it shall not be lawful for said corporation to use their funds to purchase stock in any other corporation; and the stockholders shall be personally liable to the amount of their stock, for all debts which may be due or owing to clerks, agents, servants or laborers, for any services performed for said corporation.

Capital stock. SEC. 7. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and the amount of stock issued by said corporation shall not exceed one hundred and fifty dollars upon each mile of electric telegraph constructed and duly equiped and in operating order as an electric telegraph line.

Route named. SEC. 8. The corporation hereby created shall have the right to build and maintain lines of electric telegraph between the following places and upon the routes hereafter mentioned in the state of Wisconsin, viz: from Milwaukee to the Mississippi river, by way of Madison, along the line of the Milwaukee and Mississippi Railroad; from Milwaukee to Watertown, along the line of the Milwaukee and Watertown Railroad; from Janesville to Fond du Lac, along the line of the Rock River Union Valley Railroad; from Janesville along the line of the Southern Wisconsin Railroad, to some point on the Mississippi river, nearly opposite Dubuque, Iowa; from Milwaukee to Green Bay, by way of Sheboygan, upon the route of the Green Bay, Milwaukee and Chicago Railroad; from Milwaukee to La Crosse, by way of the route of the Milwaukee and La Crosse Railroad; from Beloit to Portage City, by way of the Beloit and Madison and Madison and Lake Superior Railroad; but this corporation shall not have, nor exercise, the exclusive privilege of building lines of electric telegraph, upon the routes of the said roads above mentioned, until they have obtained the consent of said railroad corporations, and entered into such stipulations for the construction of said telegraph lines, as the said railroad companies may require, and no line of telegraph constructed under the provisions of this act, shall be so constructed as to interfere with travel upon any highway, street or road.

SEC. 9. The books of the company shall at all times be open to the inspection of stockholders, and to all persons having demands against said corporation past due.

SEC. 10. If any operator, clerk, messenger boy, or other

person in the employ of said telegraph company, shall reveal the contents of any private message, to any other person than to whom it was directed, or to his attorney or agent; it shall be deemed a misdemeanor, and such person so offending shall be subject to a fine not exceeding five hundred dollars, or to imprisonment in the county jail, not exceeding one year, or both at the discretion of the court.

SEC. 11. This act shall be in force and take effect from and after its passage.

Approved March 21, 1855.

Chapter 205.

An Act to lay out a State Road from Lake Pepin to Lake Superior.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Robert F. Hicks, Laroy Ramsey and George P. Warren, are hereby appointed commissioners to lay out and establish a state road from Kansas, on Lake Pepin, to the mouth of Muskeg River, via Dunnville and Chippewa Falls. Commissioners.

SEC. 2. The said commissioners shall receive a fair compensation for their services, from the counties through which said road shall pass, each county paying a just proportion of said expense.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1855.

Chapter 206.

An Act to provide for laying out a State Road from Grand Lake Rapids to Poyagan.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. That James Spear, E. Clark Waterman and J. W. Saxe, be and they are hereby appointed commissioners to lay out and establish a state road from Grand Rapids, via Big Prairie and Saxville, to Lake Poyagan.

SEC. 2. The counties through which said road passes shall pay the expenses of laying out the same, and no part of said expense shall be paid out of the state treasury.

Approved March 21, 1855.

Chapter 207.

An Act to lay out and establish a State Road from Gill's Landing, in Waupacca County, to Steven's Point, in Portage County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. Arthur Minto, Peter J. Gour and Merrill Barton, are hereby appointed commissioners to lay out and establish a state road from Gill's Landing, via Weyauwega, Waupacca, in Waupacca county, Peter Grover's, in the town of Amherst to Steven's Point, in Portage county.

SEC. 2. A majority of the said commissioners shall have authority to lay out and establish said road, and shall receive such compensation as the board of county supervisors of the counties of Waupacca and Portage shall determine.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1855.

Chapter 208.

An Act to lay out a State Road from Black River Falls to Chippewa Falls.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Charles Whipple, Allen M. Bedwell and H. S. Allen, are hereby appointed commissioners to lay out and establlsh a state road from Black River Falls, in Jackson county, to Chippewa Falls, in Chippewa county. Commissioners.

SEC. 2. The said commissioners shall receive a fair compensation for their services from the counties through which the said road shall pass, each county paying a just proportion of said expense.

SEC 3. This act shall take effect from and after its passage.

Approved March 21, 1855.

Chapter 209.

An Act to lay out a State Road from Steven's Point to Chippewa Falls.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. H. S. Allen, Hugh Wedge and James O'Neil are hereby appointed to lay out and establish a state road from Steven's Point, in Portage county, to Chippewa Falls, in Chippewa county, via the county seat of Clark county. Commissioners.

SEC. 2. The said commissioners shall receive a fair compensation for their services from the counties through which said road shall pass, each county paying a just proportion of said expense.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1855.

Chapter 210.

An Act to organize the town of Washington, in the county of Door.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Defined.

SECTION 1. The Islands of Washington, Detroit, Rock and Plumb, situated in the waters of Green Bay, in Door county, are hereby organized into a separate town, to be called Washington; and under such name shall be entitled to all the rights and privileges given by existing laws to other towns in this state.

SEC. 2. The second town meeting shall be held at the store house of William J. Nolan, at Washington Harbor, on the first Tuesday of May next, for the purpose of electing three supervisors for said town. Said election to be conducted in all respects under the provisions of chapter twelve of the revised statutes of the State of

Proviso.

Wisconsin, so far as they are applicable; *Provided, however*, That from any cause whatever no election of supervisors be had in pursuance of the provisions of this act, the said town may hold such election in pursuance of section fourteen, of chapter twelve of the revised statutes, as aforesaid.

SEC. 3. The supervisors elected under the provisions of this act shall, when qualified according to law, hold their offices until the first Tuesday of April, A. D., eighteen hundred and fifty-six, or until their successors are elected and qualified.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 21, 1855.

Chapter 211.

An Act to authorize Jacob Spaulding, Albert Tuttle and their associates to construct a bride across Black River, in the county of Jackson.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jacob Spaulding, Albert Tuttle, Charles Whipple, C. A. Stevens and W. J. Gibson, their associ-

ates and assigns, are hereby authorized to construct and maintain a bridge across Black river, in the county of Jackson, to and from lots, or fractions, Nos. 1, and 3, in section 15, town 21, range 4, west, of the fourth principal meridian.

Manner of construction.

SEC. 2. Said bridge shall not be less than sixteen feet wide, and shall be so constructed as to give free passage at all times to any raft coming down said river, and to all keel boats, or flat boats running either up or down said river, without any hindrance, let or delay; and the said Spaulding, Tuttle and their associates and assigns, shall be liable in action on the case for any injury, detention or delay, by reason of or on account of said bridge, to be recovered in any court of competent jurisdiction.

Tolls.

SEC. 3. The said Spaulding, Tuttle and their associates and assigns, shall have power, immediately after the completion of said bridge, to demand and collect tolls for passing over said bridge, as follows: for any vehicle drawn by two horses, mules or oxen, fifty cents, and for each additional horse, mule or ox, ten cents; for any vehicle drawn by one horse, thirty-five cents; for a single horse, twenty-five cents; for horses and cattle in droves, five cents each; for hogs and sheep in droves, two cents each; and for foot passengers, five cents each.

SEC. 4. Said Spaulding, Tuttle and their associates and assigns, shall keep posted up in a conspicuous place on said bridge, the rates of toll allowed by this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 21, 1855.

Chapter 212.

An Act to organize certain towns in Adams County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Springville.

SECTION 1. That township number fifteen, north of range number six east, is hereby set apart and organized as a separate township, under and by the name of Springville.

Dell Prairie. SEC. 2. That all that part of township number fourteen, north of range number six east, which lies east of the centre of the main channel of the Wisconsin river, together with sections number six, seven, eighteen, nineteen, thirty and thirty one of township number fourteen, north of range number seven east, is hereby set apart and organized under the name of Dell Prairie.

Big Spring. SEC. 3. That township number fourteen, north of range number seven east, (excepting sections number six, seven, eighteen, nineteen, thirty and thirty-one,) is hereby set apart and organized under the name of Big Spring.

SEC. 4. That township number fifteen, north of range numbers seven east, is hereby set apart and organized under and by the name of Jackson.

Jackson. SEC. 5. The first town meeting in the towns mentioned in the preceding sections, shall be held at such places as shall be designated by the supervisors of the town of Jackson, whose duty it shall be to post up notices in each of the aforesaid towns, stating the place where such town meeting shall be held.

SEC. 6. This act shall take effect from and after its passage.

Approved March 21, 1855.

Chapter 213.

An Act to amend the act entitled "An act to incorporate the Green Bay and Depere plank road company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The second section of the said act is hereby amended in relation to the election of directors, so as to read as follows: The stockholders of said Green Bay and Depere plank road company shall meet on the second Monday of April next, at the office of the secretary of said company, in the city of Green Bay, at two o'clock in the afternoon, for the purpose of electing directors of said company, and annually thereafter, at the same time and place, and for the purpose aforesaid.

SEC. 2. The directors of said company shall be elected as follows, to wit: Four directors, by the persons or their proxies, owning stock in the road from Green Bay to Depere, and three directors, by the persons or their proxies, owning stock in the extension from Depere to Kaukaulin, and the earnings of each of said roads shall be kept separate, and belong to the stockholders therein respectively, and divided accordingly.

SEC. 3. This act shall take effect from and after its passage.

Approved March 23, 1855.

Chapter 214.

An Act authorizing Jacob Ten Eyck to build a dam across Sugar river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jacob Ten Eyck, his associates, successors and assigns, are hereby authorized to erect and maintain a dam across the Sugar river, at any point he or they may deem most suitable, on any land he or they now, or may hereafter own, on sections two, (2) and three, (3) in town one, (1) range nine, (9) east, the same being in the county of Green, and to make use of the water for hydraulic purposes, as he or they may see fit: *Provided*, That said dam shall not interfere with any dam now erected, or now authorized by law to be erected on said river. Proviso.

SEC. 2. In the construction of said dam, the owner or owners thereof, shall construct a sufficient slide, and keep the same in good repair; to admit the passage of all rafts of timber or lumber down said river, and so as to admit the passage of fish up and down the same. Slide.

SEC. 3. In the event that such dam shall cause the water to flow back on any lands not owned by said Jacob Ten Eyck, his associates, successors or assigns, which flowing is hereby authorized, then he or they shall pay to the owner or owners thereof, such sum as such land shall be reasonably worth, irrespective of any enhancement of the value thereof by reason of the erection of said dam; such Flowing lands.

Mode of action.

value to be ascertained by the verdict of a jury in an action of trespass, (and by no other mode) to be by such owner or owners brought in any court of record within said county of Green.

SEC. 4. This act shall take effect immediately.

Approved March 23, 1855.

Chapter 215.

An Act to incorporate the Lake Superior Mining Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That George R. Snuttz, A. A. Parker and Nelson Dewey and their associates, successors, and assigns be and they are hereby created a body politic and corporate, by the name and style of "The Lake Superior Mining Company," with perpetual succession, and by that name shall be capable of, and have power to contract and be contracted with, sue and be sued, defend and be defended, answer and be answered, plead and be impleaded, in all courts and places; of purchasing, holding, selling, letting and conveying estates and property, personal, real and mixed, for the purpose of mining and manufacturing ores and metals, and for the carrying on, extension, management and usefulness of the business of said company, and for the good government of the same, and may have a common seal, and alter and renew the same at pleasure.

Title.

Directors.

SEC. 2 The corporators herein first named, shall be the first directors of said company, and are hereby invested with all the powers of directors elected by stockholders, and shall hold their offices until their successors are elected.

First meeting.

SEC. 3. The first meeting of the said corporators may be called by three, or a majority of them, at such time and place as they shall designate, and subsequent meetings of the said corporation shall be held as provided by its by-laws; and the said company shall have the power of mining, smelting, and manufacturing zinc, lead, copper and other metals, and the ores thereof, and prosecute the

business thereof on and in any land owned by and wherein the said company have or may acquire the right to carry on and prosecute any such business of mining, smelting or manufacturing such ores and metals: *Provided*, The real estate to be held by the said company at any one time shall not exceed in value the sum of five hundred thousand dollars. Proviso.

SEC. 4. A majority of the board of directors shall constitute a quorum for the transaction of business. Said board shall have power in addition to the powers hereinbefore prescribed, to make and prescribe such by-laws, rules, orders and regulations respecting the management, control and disposition of the business, stock, property and affairs of said company, as by said directors may be deemed proper; and may make such contracts, convenants and agreements with any person or persons, co partnerships or bodies corporate, as the management and interests of the said company may require; and the said corporators herein named are hereby authorized to receive and obtain subscriptions to the capital stock of this company, as directors thereof. Quorum.

SEC. 5. The capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The affairs and business of said company shall be managed and conducted by a board of directors, the number whereof shall not be less than three nor more than seven, and the number thereof shall in any event be an odd number; said board of directors shall be elected by ballot; and for the purpose of electing the first directors, the persons named in the preceeding section, or a majority of them, shall give ten days' notice of the time and place by them appointed for the stockholders of said company to meet for the purpose of electing directors. The directors of said company shall appoint one of their number president; and said board shall appoint such other officers, and such agents and attorneys as they think advisable for the due transaction of the business of said company. Capital stock.

SEC. 6. Whenever the said company shall become possessed of mines or mineral leases situated in this state, it may establish a branch of said company, for each separate mine or lease, which shall be designated as a branch of said company; but shall have no separate organization or franchises, and shall be in all respects, a part of said Branch.

company hereby organized, which said company shall be liable for all debts and liabilities of any branch thereof.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 23, 1855.

Chapter 216.

AN ACT to incorporate the Jamestown Mining Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. That H. D. York, William B. Coleman and William A. Woodward and their associates, successors and assigns be and they are hereby created a body politic and Title. corporate by the name and style, of the "Jamestown Mining Company;" and by that name shall have perpetual succession, and shall be competent to sue and be sued, in any court of equity or law, whatever; to have and use a common seal, and to alter the same at pleasure; to establish and change any by-laws, for the government of said company; to purchase hold and dispose of real estate, leases, mines, minerals and personal property, of what kind soever; to mine, smelt, work, manufacture and vend said minerals and products thereof; to create, dispose of and issue such number of shares of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company; to determine the par value of shares, and have a right to pay in the stock of the corporation for such mining rights and interests in real estate as it may be deemed necessary to purchase for the prudent operation of the works of the company; and generally to have, enjoy and exercise all rights and privileges, incident to corporations.

Branch. SEC. 2. Whenever thesaid company shall become possessed of mines, or mineral leases, situated in this state it may establish a branch of said company, for each separate mine or lease, which shall be designated as a branch of said company; but shall have no seperte organization or franchises, and shall be in all respects a part of said

company hereby organized, which said company shall be liable for all debts and liabilities of any branch thereof.

Management. SEC. 3. The affairs of said company shall be managed by a board of directors, who shall be stockholders of not less than three and not more than seven, to be elected by the stockholders of the said company, in such manner and at such times and places as shall be from time to time prescribed by the by-laws of said company, who shall elect one of their number president.

First directors. SEC. 4. The corporators herein first named shall be the first directors of said company, and are hereby invested with all the powers of directors elected by the stockholders, and shall hold their offices until their successors are elected.

First meeting. SEC. 5. The first meeting of the said corporators may be called by three, or a majority of them, at such time and place as they shall designate, and subsequent meetings of the said corporation, shall be held as provided by its by-laws, and the said corporation shall have the power of mining, smelting, and manufacturing zinc, lead, copper and other metals, and the ores thereof: *Provided*, The real estate to be held by the said company, at any one time, shall not exceed in value the sum of five hundred thousand dollars. Proviso.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 28, 1855.

Chapter 217.

An Act to amend an act entitled an act to incorporate the Rountree Mining and Smelting Company, approved March 28th, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May have a branch. SECTION 1. That whenever the said company shall become possessed of mines or mineral leases situated in this state, it may establish a branch of said company for each separate mine or lease, which shall be designated as a branch of said company, but shall have no separate organization

or franchises, and shall be in all respects a part of said company hereby organized, which said company shall be liable for all debts and liabilities of any branch thereof.

SEC. 2. This act shall be in force from and after its passage.

Approved March 23, 1855.

Chapter 218.

An Act to authorize Robert Douglas to construct a Bridge across Black River, in the county of Jackson.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Location. SECTION 1. Robert Douglas and his associates are hereby authorized to construct and maintain a bridge across Black river, in the county of Jackson, to and from any land owned by him in section 17, town 19, range 5 west of the ourth principal meridian.

SEC. 2. Said bridge shall not be less than sixteen feet wide, and shall be so constructed as to give free and uninterrupted passage at all times to any raft coming down said river, and to all keel boats, flat boats or steam boats, running either up or down said river, without any hindrance, let or delay; and the said Robert Douglas, his associates and assigns, shall be liable in an action on the case for any injury, detention or delay, by reason of or on account of said bridge, to be recovered in any court of competent jurisdiction.

Tolls. SEC. 3. The said Robert Douglas, his associates and assigns, sha'l have power immediately after the completion of said bridge, to demand and collect tolls for passing over said bridge, as follows: for any vehicle drawn by two horses, mules or oxen, fifty cents; and for each additional horse, mule or ox, ten cents; for any vehicle drawn by one horse, thirty five cents; for a single horse, twenty-five cents; for horses and cattle in droves, five cents each; for hogs and sheep in droves two cents each; and for foot passengers five cents each.

SEC. 4. Said Douglas shall keep posted up in a conspi-

cuous place on said bridge, the rates of toll allowed by this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved, March 23, 1855.

Chapter 219.

An Act to organize the Devil or East river booming company in Brown county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. David M. Loy, William Armstrong, and their associates and successors and assigns, be and they are hereby constituted a body corporate and politic for the purpose hereinafter mentioned, by the name of the Devil or East River booming company, for the term of ten years, and by that name they and their successors shall be and are hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered, in any court, and to purchase and hold any estate, real personal and mixed, and the same to grant, sell, lease, mortgage or otherwise dispose of, for the benefit of said company; to devise and have a common seal, to make and enforce any by-laws not contrary to the constitution of the United States or of this state, and to enjoy all the privileges, franchises and immunities incident to a corporation. Corporators. Title.

SEC. 2. The capital stock of said company shall not exceed twenty thousand dollars, and may be divided into shares of one hundred dollars each, and books of subscription therefor may be opened at such time and manner as may be agreed upon by the said David M. Loy and William Armstrong, and the affairs of said company may be managed by a board of directors of such number as may be agreed upon by the stockholders, and such board of directors may elect a president and such other officers for the company as they may deem expedient; in the election of directors each share of stock shall entitle the holder Capital stock. Management.

thereof to one vote; the first board of directors shall be elected in such manner and at such time, as a majority of the stockholders in number and value shall determine, and the board of directors thus elected may fix the time and manner for all future elections for such directors.

SEC. 3. The said company shall be and are hereby authorized and empowered to construct, keep and maintain a boom upon and across the said Devil or East river, in the county of Brown, at any place or point on the north half of the east half of the south east quarter in section number nine, township number twenty-two, range number twenty, extending up and through the said river to such point as the said company may deem advisable, for the purpose of rafting and driving logs and timber and lumber on said stream.

SEC. 4. It shall and may be lawful for said company to take and receive a compensation for booming logs, timber and lumber the prices or rates allowed under an act to incorporate the St. Croix boom company, approved March fifteenth, A. D., 1851.

Penalty for, cannot tell what.

SEC. 5. Any person or persons who shall wilfully break or destroy in whole or in part by loosening the same or otherwise from its moorings, shall forfeit to said company the sum of one thousand dollars, for each and every offence to be recovered on an action of debt in the name of and for the use of said company: *Provided*, That nothing herein contained shall preclude said company from having and maintaining an action or actions against such person or persons for all damages they may sustain by reason of such wilful act.

Proviso.

SEC. 6. This act shall be in force from and after its passage.

Approved March 22, 1855.

Chapter 220.

An Act to authorize the city of Watertown to loan its credit to certain Railroads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of aiding in the construction of the Milwaukee and Watertown, and the Watertown and Madison railroads, the mayor and city council of the said city of Watertown, are hereby authorized and required to loan the credit of the said city to the said railroad companies, in the sum of ninety thousand dollars; that is to say, forty thousand dollars to the Milwaukee and Watertown railroad company, and fifty thousand dollars to the Watertown and Madison railroad company, and for that purpose the mayor and city council of said city are fully authorized to issue the bonds of said city, in such form and denominations as the said railroad companies may severally require. Roads named. Amounts.

SEC. 2 The said bonds shall be executed by the mayor, and countersigned by the clerk of said city, under the corporate seal thereof, and shall be payable in not less than ten nor more than twenty years from the date thereof, and shall bear interest at the rate of eight per cent. per annum, payable semi-annually, and payable principal and interest, in the city of New York. Bonds, how executed.

SEC. 3. Before the issue of any bonds authorized by this act, to the said Milwaukee and Watertown, and Watertown and Madison railroad companies, the question of issuing the same shall be approved of by a majority of the qualified electors of said city, voting on the question at an election to be holden at the Rock River House, in the fourth ward, in said city, on the sixteenth day of April next; at which election those voting in favor of the issue of such bonds, shall vote a ballot on which shall be written or printed the words, "For the railroads," and those voting against the issue of such bonds, shall vote a bollot on which shall be written or printed the words, "Against the railroads." The poll of such election shall be opened at ten o'clock in the forenoon, and continue open until four o'clock in the afternoon of said day. The election shall be conducted under the directions of inspectors, to be appointed by the mayor; and the vote shall be can- Election.

vassed, certified and the result thereof returned to the city clerk, within three days after the election, and the said clerk shall lay the same before the said mayor and city council at the next session to be holden thereafter.— Every qualified elector of said city shall be entitled to vote at such election, without regard to ward lines.

SEC. 4. If the result of said election shall be in favor of the issue of said bonds, the mayor and city council shall, upon the requisition of the said Milwaukee and Watertown railroad company, execute bonds running to and for the benefit of said company, in such form and denominations as the said company may require, for the said sum of forty thousand dollars; and upon a like requisition of the Watertown and Madison railroad company, execute bonds running to and for the benefit of said company, in such form and denominations as the said company may require, for the said sum of fifty thousand dollars. The said bonds, when so executed shall be delivered to the said companies upon their severally complying with the conditions of this act. The bonds hereby authorized to be issued to aid in the construction of the Rock River Valley Union Railroad, shall be executed and delivered to the said company upon their complying with the conditions hereinafter set forth.

Companies to execute bonds.

SEC. 5. Before any of said bonds shall be delivered to the said Milwaukee and Watertown railroad company, the said railroad company shall execute and deliver to the treasurer of said city, a bond, under the corporate seal of said company, in the penal sum of eighty thousand dollars; conditioned that the said company shall expend the said forty thousand dollars bonds, or the proceeds thereof, in building a bridge across Rock River, in the city of Watertown, and in the construction of said railroad, from Oconomowoc, in the county of Waukesha, to the western boundry of the city of Watertown, in continuation of said railroad to Columbus, in Columbia county.

Affidavits to be filed and bonds issued.

SEC. 6. Whenever the president and secretary of the said Watertown and Madison railroad company shall file their joint affidavit with the mayor of the said city, that the sum of one hundred thousand dollars has been actually and in good faith subscribed to the capital stock of said company, and that the said company has actually expended, in the construction of their said road, (exclusive of salaries,) the sum of twenty thousand dollars, then the said mayor and city council shall deliver to the order

of the said company, the sum of ten thousand dollars of the bonds, issued to aid the said company; and whenever a like affidavit has been filed that the further sum of twenty thousand dollars has been expended as aforesaid, then the said mayor and city council shall deliver to the said company, the further sum of ten thousand dollars of the bonds; and in the same ratio, until the whole amount of bonds are delivered.

Misdemeanor and penalty.

SEC. 7. Any person or persons, officer or officers, who shall make any other than a faithful application of the moneys arising from the sale of any bonds, or any part of the same, issued in pursuance of the provisions of this act, in the construction of the road, to which the same is designed, shall be deemed guilty of misdemeanor, and may be indicted, tried and punished accordingly, before any court having competent jurisdiction of the same, and upon conviction of such offense, shall be sentenced to imprisonment in the state prison for a term not less than one nor more than three years, and shall be personably liable to the said city of Watertown, to pay to the said city of Watertown, for the use thereof, double the sum so misapplied, to be recovered in an action of debt, in the name of the treasurer of said city, before any court having jurisdiction of the same.

SEC. 8. For the payment of the principal and interest of any city bonds, issued in pursuance of the provisions of this act, the faith of the said city shall be and is hereby irrevocably pledged; and whenever it shall become necessary for the purpose of paying the interest due, or to become due on such bonds, or the principal of such bonds, the said mayor and city council shall be authorized to levy and collect a tax upon the taxable property of said city, for that purpose.

Bond to be executed.

SEC. 9. Before the issue and delivery of any of said bonds, the railroad company entitled to receive the same, shall execute to said city, and deliver to the mayor, for the use and benefit of said city, a bond and mortgage on their road and franchises, including their real and personal property, under the corporate seal of said company, said bond to be in the penal sum of double the amount of the par value of the bonds to be delivered to said company, conditional that the said company shall punctually pay and discharge the principal and interest due, or to become due, on said bonds; and fully indemnify and save harmless said city against any payments, losses, damages,

and expenses which said city may sustain or incur, by reason or in consequence of the issue of said bonds, and shall faithfully apply the proceeds of said bonds to the construction of said railroad; and the mayor and city council of said city may require such further and additional security from such railroad company as, in their opinion, shall be sufficient and safe for said city.

Repeal.

SEC. 10. An act entitled "An act to authorize the city of Watertown to loan its credit to certain railroads," approved April second, eighteen hundred and fifty-three, is hereby repealed.

Approved March 23, 1855.

Chapter 221.

An Act to amend an act entitled "an act to incorporate the City of Watertown."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Of official bonds.

SECTION 1. The official bonds of the city treasurer and superintendent of schools, shall be executed to the city of Watertown, and all official bonds shall be approved by the city council and filed, together with all the official oaths or affirmations, in the clerk's office, except the official bonds and oath or affirmation of the clerk, which shall be filed in the office of the city treasurer.

Clerk's bond.

SEC. 2. The clerk shall in addition to the bonds now required of him by law to be given, execute to the city of Watertown, a bond with two or more sureties to be approved by the city council for the faithful performance of all duties now required of him by law, or that may hereafter be required of him by any ordinance, resolution, or order of the city council; and the marshall shall give bonds to the city of Watertown, which bond shall be similar to that of sheriffs, as provided in chapter ten of the revised statutes.

Marshal's bond.

SEC. 3. The city council shall be the judge of the election returns and qualifications of its own members; and shall have exclusive power over and in relation to auction sales within said city.

SEC. 4. In the opening, extending, laying out, vacating or changing highways, streets and alleys, the property benefited, and the owners, shall be liable as well for the costs and expense thereof, as the damages.

SEC. 5. Whenever a cause shall be tried by a jury in the municipal court of the city of Watertown, the jury shall consist of not more than twelve persons, to be selected as hereinafter provided in this act. Jury in municipal court.

SEC. 6. The city council of the city of Watertown at their first regular meeting in the month of March of each year, shall select a list of seventy-five persons, qualified to serve as jurors in the circuit court, which list the mayor of said city of Watertown, signed and certified to by him shall forthwith deliver to the clerk of the said city.

SEC. 7. If for any cause such list shall not be made and delivered as aforesaid by the city council at their first regular meeting in the month of March of each year, it shall be their duty to make out and deliver the same as aforesaid, at any subsequent regular meeting of the said city council.

SEC. 8. On receiving such list the clerk of the said city shall write the names of the persons contained therein on separate pieces of paper, and shall roll up or fold such pieces of paper, each in the same manner, as near as may be, so that the name written thereon shall not be visible, and shall deposit such pieces of paper in a box, from which they shall be drawn, as hereinafter provided. How drawn.

SEC. 9. Whenever either party in a cause pending in the municipal court of the city of Watertown, shall demand a jury in a cause and in the manner wherein a jury may now be demanded, and had according to law; and shall pay into court three dollars for jury fees, such fees to be taxed against the party losing; the clerk of the said court shall proceed in the presence of the said court to draw from the box containing the list of names aforesaid, twenty-four names, which being drawn the parties to such cause shall each alternately strike out a name, until the requisite number shall be left; and if either party shall refuse or neglect to strike out a name, until the requisite number shall be left; and if either party shall refuse or neglect to strike out, on his part, the clerk or court may strike out in his stead. A venire may then issue from the court for the persons thus selected, and be delivered to an officer, who shall forthwith proceed to summons the persons therein named. If any of the jurors named in such venire, Same.

shall not be found, or shall fail to appear according to the summons, or if there shall be any legal objections to any that shall appear, the court shall direct the officers to summons a sufficient number of talismen to supply the deficiency, but in all cases the parties may agree upon any number of persons to try the same.

SEC. 10. The names of all persons drawn from the said box for jurors, as in the last section mentioned shall be immediately returned to the said box, folded up carefully, so that the name thereon shall not be visible, and the drawing in each jury cause shall be commenced with all the names on the above named list in the said box.

Change of venue.

SEC. 11. When an application shall be made to the said municipal court by the defendant or appellee in any cause that may be hereafter commenced in said court, or appealed thereto for a change of venue from the said municipal court, and the affidavit or petition shall set up such facts, duly sworn to, as would entitle a party to a change of venue in the circuit courts, a change of venue shall be awarded to the circuit court of the county of Dodge or Jefferson in which the said defendant or appellee shall reside, and in case the said defendant shall not be a resident of either of the counties of Jefferson or Dodge, then the change of venue shall be awarded to that county which the plaintiff or appellant shall elect. In case the plaintiff or appellant shall neglect or refuse to elect, then the party applying for such change of venue shall choose, but in all cases a change of venue shall only be granted from the said municipal court only in the cases and under the restrictions where the same is allowable in the circuit courts.

Attornies' fees.

SEC. 12. In all cases of appeal to the said municipal court, attorneys' fees in favor of the party recovering judgment to be taxed up against the party losing.

SEC. 13. The city council of the said city of Watertown shall have power to direct the marshal of the said city by resolution, to remove any saw logs, timbers, logs or other substance that may obstruct the free flow of the water in that part of Rock river which is within the limits of the said city of Watertown or in any portion thereof, and to remove from the same any putrid, dead or offensive substance or matter that may be found therein.

Marshall's duty.

SEC. 14. The marshall of the said city shall, when so directed by resolution of the said city council, immediately proceed to obey all such resolutions, and carry out the same, under a penalty of fifty dollars, for non-compliance

therewith, to be recovered against him by the said city, in an action of debt.

Costs.

SEC. 15. The necessary time, labor, cost, disbursements, care, diligence and attention that may be expended and bestowed by the said marshall in complying with any such resolution as is above named, shall be a charge against the person or persons placing anything or things mentioned or enumerated in section thirteen of this act, shall be a charge against the party placing the same in the said river, and when any article or articles, thing or things of value mentioned or enumerated in the said thirteenth section of this act, shall be taken from the said river in accordance with a resolution of the city council aforesaid, the expense, cost, trouble, disbursements, labor, care diligence and attention, necessarily expended, employed or bestowed in removing the same, shall be a charge against the person or persons owning, or to whom belongs such article or articles, thing or things of value above referred to, and all such charge or charges may also be recovered against the person or persons who have placed or who may place any of the articles or things above named in the said river as aforesaid, and also against the person to whom the same belong, by the said city of Watertown, in its corporate capacity, in an action of assumpsit.

Attachment for costs.

SEC. 16. The said city of Watertown may proceed by attachment, in any of the courts of this state, having jurisdiction of the amount claimed, to collect all such charge and charges as are in the last section of this act mentioned and referred to, in the same manner that a party or parties may now proceed by attachment to collect a demand or demands in the courts of this state, and may advertise for the defendant or defendants to appear and plead as is now provided by law, in cases when the defendant or defendants cannot be found within the jurisdiction of the court in which such suit may be brought: *Provided, always*, That it shall be sufficient in every and all such cases and suits to state in the affidavit upon which such attachment shall be founded, that the demand has arisen for the removal of obstructions, or dead or offensive matter (stating what and the amount of the demand as nearly as may be), from that portion of Rock river which is within the limits of the said city.

Clerk may be removed.

SEC. 17. The city council of the said city shall have power to remove, by resolution, the clerk of the said city, whenever he shall neglect or refuse to perform any duty

imposed upon him by law or by resolution of the said council, and appoint his successor; but in all cases of such removal of the clerk of said city, he shall be duly notified of such charges of violations of duty, and shall have an opportunity to defend himself from the charges preferred.

SEC. 18. The provisions of this act which relate to the removal of obstructions or any other thing or things from Rock river shall be considered as merely cumulative remedies to those already existing for the accomplishment of the same object, and shall not apply to cases where logs are safely retained within the booms for the purpose of being saved within the said city, and where logs are kept moving down the said river in navigating the same.

Fees of judge.

SEC. 19. The municipal judge of the said court shall be entitled to one dollar for every continuance of a cause in the said court, and to three dollars for all services on the trial of a cause whether the same shall be with or without a jury, and two dollars per day for every day he shall actually hold said court, (said per diem allowance to be paid out of the city treasury of said city,) and twenty five cents for signing every order of course for publication; when said judge acts as court commissioner, and in all other cases, such fees as are now provided by law, all such fees to be taxed (except said per diem allowance) against the party losing.

SEC. 20. This act shall take effect from and after its passage.

Approved March 23, 1855.

Chapter 222.

An Act to authorize the city of Sheboygan to aid in the construction of a Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Commissioners named.

SECTION 1. Joseph L. Moore, Asahel P. Lyman, Charles T. Moore, David Harvey, Henry Otten and Cyrus P. Hiller, all of the city of Sheboygan, are hereby appointed commissioners, for the purpose of aiding in the construction of the railroad authorized to be constructed by the

"Green Bay, Milwaukee and Chicago railroad company." Road named.

SEC. 2. Said commissioners shall, previous to the transaction of any other business, elect one of their number president, and one treasurer; and shall also appoint a secretary. The president, when present, shall preside at all meetings of the board for the transaction of business; and the secretary shall keep a record of all doings of said board. All meetings of said commissioners shall be at Sheboygan, at such time and place as shall be designated by a majority of them. Officers.

SEC. 3. The said commissioners are hereby authorized to borrow two hundred thousand dollars, upon the credit of the city of Sheboygan, for twenty years or less, in such sums as they may deem proper, at a rate of interest not exceeding ten per cent. per annum, payable annually in the city of New York, for the purpose of investing the same in the capital stock of The Green Bay, Milwaukee and Chicago Railroad company, and to issue therefor the bonds of the city of Sheboygan, as hereinafter mentioned; and in case the said money, or any part thereof, shall not be so borrowed to subscribe for so many shares of said capital stock, of said railroad company, that the amount of the same, at their par value, shall be equal to one hundred thousand dollars, and to pay for the same in the bonds of the said city, payable as above specified. In lieu of investing the said sum, or any part thereof, in the capital stock of said railroad company, the said board of commissioners are hereby authorized to loan the credit of the said city, to the said company, to the amount of two hundred thousand dollars, for a length of time not exceeding twenty years, and at a rate of interest not exceeding eight per cent. per annum, and to receive the convertable bonds of said company to secure the said city, and such other security as shall be agreed upon and approved by the said board of commissioners. Amount named.

SEC. 4. The shares of stock in said railroad company, or the bonds and other securities of said company, thus taken by the said city, and all dividends and interest arising from the same are hereby pledged for the payment of the principal and interest of said city bonds: *Provided, however*, That the board of commissioners may sell such shares of stock, or such bonds and other securities of said company, but the proceeds thereof, and interest, shall still be pledged to pay the interest and principal of said city bonds. Stock pledged.

Tax.

SEC. 5. The city council of the city of Sheboygan, shall annually levy a tax upon all the taxable property of said city, sufficient to pay the interest of such bonds, after deducting the dividends received by said city of said shares of stock, or the interest on said bonds of said company; and in any year when said bonds shall become due, the said city council shall levy a tax as aforesaid, sufficient to pay said bonds so becoming due, after deducting any and all sums received by said city on the sale of shares of stock, or of the bonds of said company, or dividends not expended in the payment of interest.

Railroad commissioner.

SEC. 6. The said board of commissioners shall annually appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company for the election of directors thereof, or for transacting any other business, and shall be entitled to cast one vote for every share of stock which said city shall hold in said railroad company, and in case of his absence, or inability to attend, to appoint in writing, under their hands, some other person who shall have the same power.

Election.

SEC. 7. No bonds shall be issued in pursuance of the provisions of this act, nor shall the credit of the city be loaned to said railroad company, until a majority of the legal voters of said city, voting upon said question, shall vote in favor of the same at an election, called by the said city council for that purpose, or at the election for city officers to be held on the first Tuesday of April, 1855. At such election those voting in favor, shall vote a ballot, with the words inscribed thereon, "For the Railroad," and those voting against, shall vote a ballot, with the words inscribed thereon, "Against the Railroad." The city council shall give at least ten days notice of the time and place of holding said election, by publishing the same in all the newspapers printed and published in said city, and this act shall be published in connection with such notice. Said election shall be conducted and the returns thereof made and canvassed in the same manner as an election for city officers in said city.

Ballots.

Bonds, how executed.

SEC. 8. The said bonds shall be signed before issued by the president and secretary of said board of commissioners, and countersigned by the mayor of said city of Sheboygan, who shall keep a correct register of all bonds so countersigned by him. The said bonds, when signed and countersigned as aforesaid, shall be in the hands of any bona fide holder of the same, full and complete evidence,

both in law and equity, to establish the indebtedness of said city of Sheboygan, according to the tenor and effect of said bonds: *Provided*, That no bonds shall be issued except by order of a majority of said commissioners, at a meeting of said board, and which order shall be entered upon the records of their proceedings.

Contracts.

SEC. 9. All contracts entered into by said commissioners, shall be made in the name of the Sheboygan railroad commissioners, shall be signed by the president and secretary of said board, and all contracts shall be made by consent of a majority of said board, or by some person duly authorized by a vote of the majority of said board, at a meeting of the same.

Vacancy.

SEC. 10. Whenever any vacancy shall occur in said board of commissioners, by resignation, death, or removal from said city of Sheboygan, of any of said commissioners, it shall be filled by an election by the remainder of said board, of some freeholder of said city; and a majority of said commissioners shall constitute a board for the transaction of any business authorized to be done by said board.

Statement.

SEC. 11. It shall be the duty of said board of commissioners, on or before the first Tuesday of April, in each year, to render a specific statement of their doings to the common council of the said city of Sheboygan, verified by the oath of the president of said board; and said statement shall also show the sum of money that will become due for interest or principal, or both, upon the bonds of said city, issued by them as aforesaid, for the ensuing year, and the place where the same is payable, and what sum of money so to become due, will be required to be raised by a tax upon the taxable property of said city.

SEC. 12. This act shall take effect, and be in force from and after its passage.

Approved, March 23, 1855.

Chapter 223.

An Act for the relief of owner of certificate No. 88, to authorize School Land Commissioners to issue a patent.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The school land commissioners are hereby authorized and required to make and deliver a patent to the assignee of certificate No. 88, (covering lots one, leven and twelve, in section sixteen, town two, range eighteen east,) whenever said assignee shall deliver to said commissoners said certificate.

Approved March 24, 1855.

Chapter 224.

An Act to vacate part of the plat of the village of Fulton Centre in Rock County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Description.

SECTION 1. Lots three, four, five and six, in block eight, lots three, four, five and six, and the south half of lots one, two, seven and eight, in block nine, in the village of Fulton Centre, in Rock county, are hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved March 26, 1855.

Chapter 225.

An Act to authorize Horace White and others to make a plat and survey of certain lands in the town of Beloit, and to convey the same.

The people of the state of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. Horace White, James A. White, Mary Elizabeth White, and Clarinda W. White, infant heirs at law of Horace White, late of Beloit, deceased, together with Eliza M. Hinman, their mother, and Samuel Hinman, their general guardian, are hereby authorized to cause a plat and survey to be made, executed and recorded, in pursuance of the provisions of chapter 41, of the revised statutes, of all that part of section 36, town one, range twelve east, which was conveyed by United States government patent to said Horace White, deceased, and which is embraced in a survey made for said Horace White, and others, by John Hopkins; and such plat and survey when so made, executed and recorded, shall be as valid as if said infants were all of full age. Persons named.

SEC. 2. In making and executing such plat and survey, the said Horace White, James A. White, Mary Elizabeth White, Clarinda W. White, Samuel Hinman, and Eliza M. Hinman, may unite with any person or persons owning or claiming to own lots five, six and seven, in section thirty-five, and the west half of the north-west quarter of section thirty-six, town 1, range 12 east, according to United States government survey, or any part thereof.

SEC. 3. After such plat and survey is made, executed, and recorded in the manner hereinbefore provided, it shall be lawful for the said Horace White, James A. White, Mary Elizabeth White, and Clarinda W. White, together with their said mother and general guardian, to execute, acknowledge and deliver deeds of conveyance for all or any of said lands, describing the same by lots and blocks designated in said plat and survey, which deeds shall convey all the legal and equitable title of said infants in the lands therein described, to the grantees named in such deeds, and shall have the same force and effect as if all of the said infants were of full age. Deeds legal.

SEC. 4. This act shall take effect immediately.

Approved March 26, 1855.

Chapter 226.

An Act to provide for assessing and collecting a tax in school district number five, in the Sixth Ward of the City of Watertown, as voted at the last annual meeting of said district.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Assessment. SECTION 1. The city clerk of the city of Watertown is hereby authorized and required (within twenty days after the passage of this act) to assess five hundred and seventy-five dollars on the taxable property of school district number five, in the Sixth ward of the city of Watertown, in manner now provided by law, and on the completion of the assessment list as herein provided, the clerk shall deliver the same to the city treasurer, together with the proper warrant of collection.

Collection. SEC. 2. On the delivery of the tax list to the city treasurer, as provided in section one of this act, it shall be the duty of said treasurer to collect said tax as provided by law, within thirty days thereafter, and pay the same over to the superintendant of schools, to be by him applied in building a school house, and for other school purposes, as provided for at the last annual school meeting of said school district number five.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1855.

Chapter 227.

An Act for laying out a state road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners named. SECTION 1. Joseph Green, Thomas S. Bowen and John W. Stewart, be and are hereby appointed commissioners to lay out and establish a state road from Dayton, in the county of Green, by way of Monroe, to some point on the state line of Illinois.

SEC. 2. The said commissioners, or a majority of them, shall proceed to view, examine and establish and cause to be surveyed the said road, within twelve months from the approval of this act, and shall report their doings as provided by law on that subject, and the said commissioners shall be paid out of the county treasury of the county of Green for said service, at the rate of one dollar and fifty cents per day, for the time actually employed by them in said service. Duty of same.

Approved March 26, 1855.

Chapter 228.

AN ACT to authorize John M. Crawford to construct a mill dam across the Baraboo River.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John M. Crawford, his associates and assigns, are hereby authorized to construct and maintain a dam across the Baraboo river, in the town of Caledonia, upon any lands belonging to said Crawford, or his associates, in said town, on section number twenty, (20,) in township number twelve, (12,) north of range number nine, (9,) east; said dam, when constructed, shall not exceed seven feet in height; and shall be constructed with a slide or chute sufficient to admit of the passage of all descending logs, timber or lumber, and the said logs, timber or lumber shall at all times, be entitled to pass such dam free of all charge to the owner or owners thereof: *Provided*, Said dam shall be so constructed as not to interfere with any water privileges now improved on said stream. Location. Proviso.

SEC. 2. Whenever the Baraboo river shall be improved and rendered navigable, the owner or owners of said dam shall construct a convenient lock, not less than one hundred and twenty-five feet long between the gates, and thirty feet wide, in the clear, for the passage of boats, barges, and other water craft; the same to be completed and ready for use when said river shall be improved and To build lock.

rendered navigable, and the propritor or proprietors of said dam shall maintain said lock, and shall superintend the passage of all boats, barges and water crafts through said lock, free of all charges, to the owner or owners thereof.

Approved March 26, 1855.

Chapter 229.

An Act to provide for laying out a state road from Montello to Stevens' Point

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. N. B. Woodruff, William H. Peters and Stephen Miller, are hereby appointed commissioners to lay out and establish a state road from Montello, in Marquette county, to Stevens' Point, in Portage county: *Provided*, That no part of the expense of laying said road be paid out of the state treasury.

SEC. 2. This act shall take effect from and after its passage.

Approved March 26, 1855.

Chapter 230.

An Act to incorporate the Watertown Musical Society.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The members of the Watertown Musical Society, in the city of Watertown, and all persons who shall hereafter be associated with them, as members of said society, are hereby created a body corporate, by the name of the "Watertown Musical Society," for the purpose of promoting the cultivation of musical taste

Title.

among its members, by frequent rehearsals and performances, at concerts, and on other suitable occasions, of old and new musical compositions, with the power for such purposes; to take by purchase, devise or otherwise; and Franchises. to hold, transfer and convey real and personal property, to the amount of five thousand dollars; and also to take and convey all such books, musical instruments and furniture and apparatus generallyas may be necessary for attaining the objects and carrying into effect the purposes of said corporation; and also, further in their corporate name, to sue and be sued, appear, prosecute and defend all actions and causes, to final judgment and extension, in any court of law or equity; and to make by-laws and regulations, consistent with the laws of this State, for the government of said corporation, and for the due and orderly conduct and regulation of its affairs, and the management of its property.

SEC. 2. The control and disposal of the funds, property Management. and estate, and the general management of the affairs and concerns of the said corporation, subject to the direction and restriction contained in its by-laws and regulations, shall be vested in a board of directors, to consist of the president, the vice president, the treasurer, the secretary, the musical directors and two managers of said corporation, who shall be elected semi-annually to their respective offices, by such members of said corporation as may be entitled, by the by-laws and regulations thereof, to vote at such election.

SEC. 3. The several officers of the said society or corporation, at the time of the passage of this act, shall continue to hold their respective offices, as officers of the corporation, hereby created, until the expiration of the term for which they were elected and qualified; and all personal property, funds or securities now owned and held by the said society, or by any other person or persons in trust for the said society, or by said officers, or either or any of them, or for the use or benefi of the same, including all debts due or to become due to the same, from the members thereof, for stated dues, in arrears, fines, etc., or from any other person or persons, shall vest in and become the property of, and may be sued for and recovered, in the name of the corporation hereby created; and the said corporation shall assume, and be liable for all the debts and obligations of said corporation, contracted or incurred; and for all contracts and agree-

ments entered into previous to the passage of this act, by any of the officers thereof, lawfully acting in behalf of the said society.

Election. SEC. 4. The semi annual election of officers of the said corporation shall be held on the last Monday, of the months of February and August, in each year, or on such other days as the said corporation, by its by-laws and regulations, may appoint; notice of which shall, in all cases, be published in one German and one English newspaper, published in the city of Watertown, at least one week previous to such election.

Vacancies. SEC. 5. The board of directors shall have power to fill vacancies in the several offices, and to appoint, and at pleasure remove, subordinate officers, agents or servants, as the business or interest of the said corporation, in their opinion, may require.

By-laws. SEC. 6. The present by-laws of the said society, so far as the same are consistent with the provisions of this act, shall continue in force, and govern and be binding upon the corporation hereby created; subject, however, to the right of the said corporation to alter or amend the same.

SEC. 7. The actual and future estate, property and funds of the said corporation shall be devoted solely to the general purposes and objects specified in the first section of this act and shall be exempt from taxation.

SEC. 8. This act shall take effect immediately after its passage.

Approved March 26, 1855.

Chapter 231.

An Act to amend chapter 213, of the private and local laws of 1853, approved April 2, 1853, entitled "an act to incorporate the Black River Falls boom company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Stricken out. SECTION 1. The fourth, fifth, sixth and seventh lines of section 2, of chapter 213, of the session laws of 1853, approved April 2, 1853, are hereby repealed, and the following inserted in lieu thereof: "The said pocket booms

to be located, one on fraction three, of quarter section four- Inserted.
teen, in township twenty-one, north of range four, west, in the county of Jackson, on the east side of Black River; and the other on fraction six, in same section, town and range, on the west side of said river, running down to an island in section fifteen."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 26, 1855.

Chapter 232.

An Act to prevent the destruction of fish in the lakes and streams of Dane county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this act, it Prohibition.
shall be unlawful, and it is hereby prohibited for any person or persons, to take, ensnare, catch, kill or destroy, in or from any lake or stream of water, or, in or from any bay, inlet or outlet thereof, in the county of Dane, in this state, any fish of any kind whatever, by the use or means of any seine, drag-net, sett-net or any other description of net or netting whatever, or any box, pen, pound, trap, or any other construction into which any fish may become ensnared or confined.

SEC. 2. Any person violating the provisions of this act, Penalty.
shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine of not less than ten, nor more than one hundred dollars, for each offence.

SEC. 3. Justices of the peace shall have jurisdiction to try and determine all cases arising under the provisions of this act.

Approved March 23, 1855.

Chapter 233.

An Act to incorporate the Watertown City Gas Light Company.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Corporators.

SECTION 1. Theodore Prentiss, Daniel Jones, A. L. Pritchard, Andrew Peterson, William M. Dennis, Simeon Ford, William Chappell, Peter V. Brown, and A. Hundt, and such other persons as may hereafter be associated with them, stockholders, their successors and assigns are hereby created a body corporate and politic by the name of the

Title.

"Watertown City Gas Light Company," with perpetual succession, and by that name shall have all the privileges,

Franchises.

franchises and immunities incident to a corporation. They shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real and personal or mixed, so far as the same may be necessary and proper for the construction, extension, management and usefulness of the works of said company, and for the good government of the same; they may have a common seal and alter the same at pleasure.

Capital stock.

Management.

SEC. 2. The capital stock of said company shall be fifty thousand dollars in shares of fifty dollars each. The affairs of said company shall be managed by a board of five directors who shall be chosen by ballot, and each share of stock shall be entitled to one vote; the votes to be delivered in person or by proxy, duly authorized; and for the purpose of electing the first directors the person named in the preceding section or a majority of them, shall give ten days' notice in two newspapers printed in the city of Watertown, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing directors, which directors shall appoint one of their number president; and annually thereafter on the first Monday of July, the stockholders shall meet for electing directors as aforesaid: *Provided*, That none but stockholders shall be elected directors.

Proviso.

SEC. 3. A majority of said board shall constitute a quorum for the transaction of business. They shall have power to appoint a secretary and treasurer and such other officers and agents as may be deemed necessary, to

make and prescribe such by-laws, rules, orders and regulations respecting the management, control, and disposition of the stock, property and affairs of said company, as they may deem proper, not inconsistent with the constitution and laws of the United States, or of this state, to make such covenants, contracts, and agreements with any persons or persons, co-partnership or body politic whatsoever, as the execution and management of the works, or the convenience and interest of the company may require.

SEC. 4. The said company shall have power and full and exclusive authority for twenty-five years from the passage of this act, to manufacture, make and sell gas, to be made from any and all the substances or a combination thereof from which inflammable gas is obtained, for the purpose of lighting the city of Watertown, or the streets thereof, or any buildings, manufactories, public places, or houses therein contained, and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets, avenues, commons, lanes, or alleys, in said city: *Provided*, That no permanent injury shall be done to any street, highway, lane or alley in said city. Proviso.

SEC. 5. If from any cause an election for directors shall not be held at the time specified therefor, the corporation for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for directors, as shall be provided for in the by-laws of said corporation, and until such election, the directors of the preceding year shall continue to act, and all their doings shall be binding upon said corporation until their successors shall be elected.

SEC. 6. If any person shall wilfully do, or cause to be done, any act or acts whatsoever to injure any machine, pipe, or structure whatsoever, or anything appertaining to the works of said corporation, whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding two years, or both: *Provided*, Such criminal prosecution shall not in anywise impair the right of said company for damage, by a civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of said corporation, in any court of the state having competent jurisdiction of the same. Misdemeanor. Penalty. Proviso.

Further powers.

SEC. 7. The said corporation are hereby authorized and fully empowered in their corporate capacity to borrow any sum or sums of money from any person or persons, corporations, or body politic of any kind, and make and execute in their corporate name, all necessary writings, notes, bonds or other papers; and make and execute and deliver such securities in amount and kind, as may be deemed expedient by said corporation for all purposes, in carrying out the objects of this company; and official acts of said company are hereby declared binding in law and equity, upon said corporation, and upon all other parties to such contracts.

Public act.

SEC. 8. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared a public act, and copies thereof printed by authority of the state shall be sufficient evidence thereof in all courts.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 24, 1855.

Chapter 234.

An Act to provide for laying out a state road in Walworth county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioner.

Route.

SECTION 1. John W. Boyd, Solomon C. Burdick and Ira Buell, are hereby appointed commissioners to lay out a state road in the county of Walworth, from the west line of the town of Bloomfield, at or near the state line, and running in a westerly direction to any point in section thirty-five, in the town of Linn, on the most practicable route, and may adopt as such state road, any town or county road, or any part of a town or county road, already laid out on said route, and such state road shall not be altered by the supervisors of any town, for two years after the same shall be laid out, but no part of the expense thereof shall be paid by the state.

SEC. 2. A majority of said commissioners shall be com-

petent to perform the duties required by this act, and they shall proceed therewith as soon as practicable.

SEC. 3. This act shall take effect from and after its passage.

Approved March 24, 1855.

Chapter 235.

An Act to incorporate the Central Bridge Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Edward West, Jackson Tibbets, Anson Ballard, Henry S. Eggleston, A. B. Evert, William Johnston, and Frederick Packard, and such other persons as they shall associate with them, are hereby incorporated by the name and style of "The Central Bridge Company," and by such name may sue and be sued, implead and be impleaded, in any and all courts, and may have a common eal and change the same at pleasure. Corporators. Title.

SEC. 2. The said Edward West, Jackson Tibbets, Anson Ballard, Henry S. Eggleston, A. B. Everts, William Johnston and Frederick Packard, and such other persons as they may appoint, are hereby appointed commissioners to receive subscription to the capital stock of said company, and may open books for subscription at such times and places as the said commissioners shall appoint, until the capital stock of said company shall be taken.

SEC. 3. The capital stock of said company shall be five thousand dollars, and shall be divided into shares of twenty-five dollars each, and the said company shall have power to increase the capital stock to an amount not exceeding ten thousand dollars. Capital stock.

SEC. 4. The said company shall have power to build a bridge across Fox river from any point on the west bank of said river within the limits of the incorporated village of Appleton, to such point as they see fit, in the highland on the east bank of said river, and to take so much land as may be necessary for their purposes: *Provided*, That no unnecessary damage shall be done thereby; and in case Location. Proviso.

the said company and the owners of the land so taken, shall be unable to agree in the price of said land so taken, the said company shall choose one appraiser and the said owners another, and the two so chosen shall appoint a third, and the three, or a majority of them, shall fix the price to be paid for said land by said company, and in case the owner or owners of said land, shall refuse to appoint an appraiser, the said company may apply to the clerk of the circuit court of Outagamie county, who shall appoint the appraisers to fix the price so to be paid by said company, and upon payment or tender of the price, so fixed, the said company shall acquire the title to said land: *Provided*, That in case the owner of such land shall be under any legal disability, the costs of such assessment shall be paid by said company: *Provided further*, That either party may appeal to the circuit court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court: And *Provided, also*, That upon payment or tender of payment of the sum specified in the report of said viewers or appraisers to the owners of said lands or a deposit of the same for their benefit with the clerk of the circuit court of the county in which the land is situated, the said company may immediately take and use the same without awaiting the issue of said appeal.

Proviso.

Proviso.

Proviso.

SEC. 5. The said company shall have power to make by-laws for the regulations of the concerns of said company: *Provided*, That said by-laws shall not be repugnant to the constitution and laws of this state.

Proviso.

Description.

SEC. 6. Said bridge shall not be less than sixteen feet wide, and shall be constructed with a draw over the channel of the river, not less than fifty feet wide, and the said company shall attend to the said draw so as to permit boats and vessels to pass through the same at all times free of charge and without unnecessary delay.

Tolls.

SEC. 7. The company shall have power after the completion of the bridge, to demand and collect toll for passing the same, as follows: For any vehicle drawn by one horse, ten cents; for any vehicle drawn by two horses or oxen, twenty-five cents, and for each additional horse, or ox, five cents; for a single horse, five cents; for all animals in droves of less than fifty, three cents each, and for all over fifty, two cents each: *Provided*, The said company may have power to charge less rate of toll in their discretion.

SEC. 8. The said company shall keep posted up in some conspicuous place on said bridge, a list of rates of toll to be paid for crossing.

SEC. 9. This act shall take effect from and after its passage.

Approved March 24, 1855.

Chapter 236.

An Act to authorize the city of Watertown to aid in the construction of the Rock River Valley Union Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of aiding in the construction of the Rock River Valley Union Railroad, the mayor and city council of the city of Watertown, are hereby authorized and required to loan the credit of said city to said railroad company, in the sum of one hundred and twenty thousand dollars, and for that purpose the mayor and city council of said city are fully authorized to issue the bonds of said city in such form and denominations as the said rail road company may require. Amount.

SEC. 2. The said bonds shall be executed by the mayor and countersigned by the clerk of said city under the corporate seal thereof, and shall be payable in not less than ten nor more than twenty years from the date thereof, and shall bear interest at the rate of eight per cent. per annum, payable semi annually, and payable, principal and interest, in the city of New York. Bonds, how made.

SEC. 3. For the payment of principal and interest of any city bonds, issued in pursuance of the provisions of this act, the faith of the said city shall be and is hereby irrevocably pledged; and whenever it shall become necessary for the purpose of paying the interest due, or to become due, on such bonds, or the principal of such bonds, the said mayor and city council shall be authorized to levy and collect a tax upon the taxable property of said city, for that purpose. Tax to be levied.

SEC. 4. Before any of the said bonds shall be delivered to the said Rock River Valley Union railroad company, Company to make bond.

the said company shall execute and deliver to the treasurer of said city, a bond under the corporate seal of said company, in the penal sum of two hundred and forty thousand dollars; conditioned, that the said company shall punctually pay and discharge the principal and interest due, and to become due, on said bonds, and shall fully indemnify and save harmless the said city against all payments, liabilities, losses, damages and expenses, which the said city may sustain or incur in consequence of the issue and delivery of such bonds.

Mortgage.

SEC. 5. Before the delivery of any bonds issued under the provisions of this act, the said Rock River Valley Union railroad company, shall execute to said city and deliver to the mayor for the use and benefit of said city, a mortgage on their road and franchises, including their real and personal property under the corporate seal of said company, to secure the performance and fulfillment of the bond executed by said company to the said city, which said mortgage shall be a lien upon the said railroad from and after the recording thereof, and said mayor and city council may take such other and further securities from said company, as they may deem expedient and proper for the interest of said city.

Bonds, how to be delivered.

SEC. 6. Whenever the president and secretary of the said Rock River Valley Union railroad company shall file with the mayor of said city, their joint affidavit, and otherwise satisfy the mayor and city council of said city, that the sum of one hundred thousand dollars has been actually expended by said company, in the construction of said railroad, (exclusive of salaries,) between Waupun and Juneau, in the county of Dodge, then the said city treasurer shall deliver to the order of said company the sum of fifty thousand dollars of the bonds, issued to aid said company; and whenever a like affidavit has been filed with the mayor of said city, that the further sum of one hundred thousand dollars has been expended in the construction of said road between Juneau, in the county of Dodge, and the city of Watertown, (exclusive of salaries,) then the said treasurer shall deliver to the order of said company the further sum of fifty thousand dollars of the bonds, issued in aid of said company; and whenever a like affidavit is filed with the mayor, that the said road is completed, and in running order, to the city of Watertown, then the said treasurer shall deliver the remaining

twenty thousand dollars of said bonds to the order of said company.

SEC. 7. If the said Rock River Valley Union railroad company shall not, within twelve months after the passage of this act, satisfy the mayor and city council of said city, that they have expended two hundred thousand dollars, (in addition to the amount heretofore expended,) in the grading and laying of iron of their said railroad, in the county of Dodge, and give the mayor and city council such security as they may require, for the completion of the said railroad to the city of Watertown, then the said mayor and city council are authorized to withhold the said bonds, hereby authorized to be issued to the said railroad company, and may execute, issue and deliver the said bonds, amounting to one hundred and twenty thousand dollars, in such sums as the said mayor and city council may think proper; or they may execute, issue and deliver all or any part thereof, to aid in the construction of such other railroad, leading to or through the said city, as the said mayor and city council may, from time to time, direct; and the bonds so issued shall be as binding and obligatory upon the said city, as if the name of the railroad receiving them, were especially set forth in this act. Company may forfeit.

SEC. 8. Any person or persons, officer or officers, who shall make any other than a faithful application of the moneys arising from the sale of any bonds, or any part of the same, issued in pursuance of the provisions of this act, in the construction of the road to which the same is designed, shall be deemed guilty of a misdemeanor, and may be indicted, tried and punished accordingly, before any court having competent jurisdiction of the same; and upon conviction of such offence, shall be sentenced to imprisonment in the state prison for a term not less than one nor more than three years and shall be personably liable to the said city of Watertown, to pay to the said city, for the use thereof, double the sum so misapplied; to be recovered on an action of debt, in the name of the treasurer of said city, before any court of competent jurisdiction. Misdemeanor.

SEC. 9. This act shall be construed liberally and beneficially, to effect the objects herein contemplated, and shall take effect and be in force from and after its passage.

Approved March 24, 1855.

Chapter 237.

An Act to amend an act entitled "an act to incorporate the Dodge County Fire and Marine Insurance Company," approved April 2, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the act of which this act is amendatory, is hereby amended so as to read as follows:

Directors. "Robert V. Bogert, William Farrington, Samuel L. Rose, Lewis E. Schuyler and Robert J. Norris, are hereby appointed the first board of directors of said company; and such board may from time to time determine the number of directors to be elected at any future election, to be not more than fifteen nor less than three. And such number, so elected, in pursuance of any such determination, shall constitute the board of directors." The said section two, as above amended, shall stand for and be the whole of section two of said act.

Sec. 12 repealed. SEC. 2. Section twelve of the act of which this act is amendatory, is hereby repealed. This act, and the act of which this is amendatory, are declared to be public acts, and shall be favorably construed for the purposes intended, in all courts and places; and this act shall be in force from and after it passage.

Approved March 27, 1855.

Chapter 238.

An Act to authorize School District number seven, in the town of Oak Grove, in the county of Dodge, to borrow money and raise a tax to build a School House.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

District may borrow money. SECTION 1. The vote of school district number seven, in the town of Oak Grove, in the county of Dodge, at its last annual meeting, authorizing the building committee appointed at said meeting, to borrow five hundred dollars, to be applied towards building a school house in said dis-

trict, is hereby declared to be legal and binding upon said district; and the said committee, or a majority thereof, may borrow upon the credit of said district, the said sum of five hundred dollars; and for the purpose of securing the payment of the sum so borrowed, with interest thereon not to exceed twelve per cent. per annum, may execute a promissory note or notes, or other instrument in writing, which shall be binding upon said district.

How to be paid.

SEC. 2. The principal and interest which may become due upon the sum so borrowed during each and every year thereafter, shall be added to the tax list, by the clerk of said district, and collected with the other tax assessed in said district in the manner provided by law.

SEC. 3. It shall be lawful for the voters of said district, at any annual meeting, to raise a tax to pay the money so borrowed, either in whole, or by instalments, as the said district may determine. And it shall be lawful for said district at any annual meeting to raise such further sum as the district may determine is necessary for the building of said school house, not to exceed, however, in the whole cost of said school house, the sum of fifteen hundred dollars.

May raise more money.

SEC. 4. Such additional sum as the said district may hereafter vote to raise for the purpose aforesaid, the district board of said district may borrow upon the credit of said district, upon like terms and security, as the building committee aforesaid are authorized to give, and to be collected in like manner.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 27, 1855.

Chapter 239.

An Act to provide for the collection of delinquent taxes in the county of Polk, for the year 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town treasurers of the county of Polk, are hereby authorized to proceed to collect the taxes yet remaining due for the year eighteen hundred and fifty-four, and to proceed to levy on property and sell the same for taxes as is now allowed by law, for such purposes.

Time limited. SEC. 2. The time for collecting said taxes shall be till the first day of June next, and the warrant for the collection of said taxes shall be given under the hands and seals of the town clerks, as is provided for in the revised statutes, and shall have the same force as the original warrant.

SEC. 3. This act shall be in force from and after its passage.

Approved March 27, 1855.

Chapter 240.

An Act to vacate a certain Street therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That so much of the public street in the village of Shullsburgh, in La Fayette county, as laid out

Street defined. and platted on the west half of the south west quarter of section number eleven, township number one, north of range number two, east of fourth principal meridian, and known and designated on the plat of Andrew Stentt's addition to Shullsburgh, as La Fayette street, between Water street and Main street on said plat, be and the same is hereby vacated, and entirely annulled; and the ground over which said street is laid out, between Water street and Main street aforesaid, shall vest in fee in the proprietors of the lots adjoining said street on the east side, according to the number and size of their respective lots.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1855.

Chapter 241.

AN ACT to incorporate the Franklin Fire and Marine Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Concerning stockholders.

SECTION 1. That all persons that do become stockholders in the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, by the name and style of the "Franklin Fire and Marine Insurance Company." The office of said company shall be in the city of Fond du Lac in this state.

Capital stock.

SEC. 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and there shall be paid into the treasury of said company, by each subscriber to the capital, at the time of subscription, an installment of five per cent. on the stock by him subscribed, the remainder to be paid or to be secured to be paid, on real estate or other security, as the directors hereinafter mentioned shall deem sufficient; and until five hundred shares of said stock is subscribed for and paid, or secured to be paid as aforesaid, said company shall not commence business.

Management of stock, &c., by directors.

SEC. 3. The stock, property and affairs of said company shall be managed and conducted by not less than six directors, and such officers, clerks and agents, and other persons as said directors may appoint from time to time; and the directors shall divide themselves into three classes, by the term of the first class shall expire on the 1st first Monday of February succeeding their election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire successively on the first Monday of February in the following year, or as soon thereafter as others are elected in their stead. The first

directors shall hold their offices for at least one year after the company commences doing business. The annual election of directors shall be held on the first Monday of February, at such place in the city of Fond du Lac, as the directors may appoint, and the polls of such election shall be open from two until four o'clock P. M., of said day; of which notice shall be given in some newspaper published in the city of Fond du Lac, at least two weeks previous to said election; said election shall be held under the direction of three stockholders, to be appointed by the directors, and said directors shall be elected by a plurality of the votes of the stockholders present at said election, and their proxies, allowing one vote for every share of stock.

Election of directors.

To choose a president.

SEC. 4. It shall be the duty of the directors, on organizing, and annually thereafter, to choose from their number a president, and they may also elect a vice president and secretary. The vice president's duty shall be to perform all the duties of the president in case of his absence or inability.

SEC. 5. Wm. H. Hiner, Wm. J. Wallace, J. W. Eddy, N. M. Donaldson, Eliab Perkins, W. T. Gibson shall be the first directors of said company, and are hereby constituted commissioners to receive subscriptions to the capital stock of said company; and when said stock shall be subscribed and paid, or secured to be paid, as is mentioned in the second section of this act, the said commissioners shall call a meeting of the stockholders by personal or written notice, stating the time and place at which said meeting shall be held; at the time and place so specified, the stockholders and their proxies shall, by resolution, determine the number of directors of said company, which may be any number not less than six nor exceeding twenty. The directors mentioned in this section shall appoint three inspectors of said election. Should vacancies at any time occur, they may be filled by the remaining directors, until others are elected by the stockholders.

Power to insure.

SEC. 6. The said company shall have power to make insurance upon vessels, freights, goods, wares, merchandize, specie, funds, bank notes, bills of exchange, and other evidence of debt bottoming respondentia interest, and to make all and every insurance connected with marine risks and risks of transportation and inland navigation; also, upon dwelling houses, stores, and all kinds of buildings, household furniture, merchandize and all other property,

against loss or damage by fire or storm, and reinsure the same; and also to cause themselves to be insured, when deemed expedient, against any risk or risks on which they have or may make insurance.

Concerning contracts.

SEC. 7. All policies of insurance or other contracts, authorized by this act, which may be made and entered into by this corporation, may be with or without seal thereof, and shall be subscribed by the president or vice president, and attested by the secretary, or persons acting as such, and being so signed, executed and attested, shall be binding and obligatory upon said corporation, unless otherwise expressed therein.

To hold real estate.

SEC. 8. It shall and may be lawful for said company to take and hold any real estate or securities, mortgage, or pledge to the said company, to secure the payment of any debt which may be contracted by or with said company, and to forclose the same; and to purchase, on sale made by virtue of any judgment at law, or by order or decree of any court of equity, or any other legal proceeding, or otherwise to receive and take any real or personal estate in payment or towards satisfaction of any debt previously contracted, due said company, and to hold the same until they can conveniently sell and convert the same into money, or other personal property; and also to invest the capital stock or so much of the surplus profits of said company as they may deem fit, in such manner as the directors shall decide, and call in and reinvest the same so often as it shall be deemed necessary for the interest of the said company.

Capital stock.

SEC. 9. The capital stock of said company shall be transferable according to the rules and regulations prescribed by the directors; and any subscriber of any share or shares of said stock, who shall neglect for thirty days after having been duly notified to pay the installments aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said company, and all payments made thereon and all profits that may have arisen thereon.

Dividends.

SEC. 10. It shall be lawful for the directors of said company to make a dividend of so much of the profits of said company as shall appear advisable; but the dividend shall not at any time exceed the amount of clear profits made by the company; but the capital stock shall be and remain unimpaired, and if the said directors shall not at any time knowingly make a dividend of the capital aforesaid,

they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, or any of them, in any court of record in this state, by any creditor of said company; and each director present when such dividend shall be made, shall be adjudged consenting thereto, unless he forthwith protest against such dividend, and request his protest to be entered on the minutes of said company, and give further notice to the stockholders of the declaring of such dividend, by advertising his said protest, within ten days thereafter, in a newspaper published in the city of Fond du Lac.

SEC. 11. Nothing contained in this act shall be construed to authorize the business of banking.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 27, 1855.

Chapter 242.

An Act to authorize school district number one in the town of Verona, in the county of Dane, to levy a tax.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Levy a tax.

SECTION 1. District number one, in the town of Verona, in the county of Dane, is hereby authorized and empowered to levy and assess a tax upon the taxable property of the inhabitants of said district, at any special school meeting, during the year eighteen hundred and fifty-five, regularly called for that purpose, by the usual and legal vote of said meeting, for the purpose of building a school house, and obtaining the necessary ground and furniture therefor, the amount thereof to be fixed by said meeting.

How to be levied.

SEC. 2. Said tax shall be levied, assessed and collected in the manner and by the officers, as provided in chapter nineteen of the revised statutes, for levying and collecting school taxes.

SEC. 3. This act shall take effect immediately.

Approved March 27, 1855.

Chapter 243.

An Act to incorporate the Beaver Dam Gas Light Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Company. SECTION 1. William Farrington, Robert J. Norris, Robert V. Bogert, A. Scott, S. Coon and S. L. Rose are hereby created a body corporate and politic, by the name of the "Beaver Dam Gas Light Company," with perpetual succession to them and their successors and associates, and as such shall have all the powers and privileges incident to any corporation in this state for the purposes hereinafter stated.

Directors. SEC. 2. The affairs of the said corporation shall be managed by a board of five directors, and the persons above named are hereby constituted the first board of directors; they shall have and exercise all the powers of such corporation in its corporate name; and shall and may elect and appoint a president, secretary, and such other officers, agents and employees as they may deem proper, and fix the compensation for each and every of them, and remove and dismiss them at pleasure; and appoint and elect others instead from time to time; may adopt, keep and alter at will a common seal; sue and be sued; implead and be impleaded; contract and be contracted with; purchase, hold, sell and convey, real estate for the use of said company; Real estate. the aggregate of which owned by them at any one time shall not exceed one hundred thousand dollars, together with personal property not exceeding twice the amount aforesaid in addition to such real estatate; may make, ordain, establish and alter at pleasure, rules and by-laws for the government of themselves, their officers, agents and employees, not inconsistent with any law of this state; may keep an office, records, minutes of proceedings, and determine the amount and number of shares of stock of said incorporation, and the amount of such shares, severally, which shall be uniform in amount, and the mode of subscribing and time of payment therefor, and mode and place of issue and transfer of the same; and may forfeit such shares, and all moneys paid thereon, to the use of said company for nonpayment in full therefor, according to the requirements of the by-laws of said company; and may provide by such by-laws for the time, place and manner of electing future boards of directors, and for filling any

To fill a vacancy.

vacancy in such board or any office where such vacancy is occasioned by death, resignation, inability or refusal to serve. But no omission or failure to elect directors at the time appointed for any such election shall work an abatement, defeasance or forfeiture of any of the rights, privileges, immunities or franchises hereby conferred; but the directors hereby appointed or hereafter elected shall continue directors, with full powers, until successors shall be appointed or elected.

Power.

SEC. 3. Said company shall have exclusive power and privilege for twenty-five years from the passage of this act to use the powers and privileges conferred hereby, in the village of Beaver Dam, or within one mile of any portion of the limits of the present village of Beaver Dam, under any name or description by which such village may be known, and no such powers or privileges as those conferred in this charter shall be conferred upon or used by any other person or corporation whatever, but all such powers, privileges and franchises are hereby conferred upon said company for the term last aforesaid, exclusively, *Provided*, Said company shall within two years expend the sum of one thousand dollars in the furtherance and prosecution of the objects of the said company, and the further sum of four thousand dollars for the purposes last aforesaid within five years from the passage of this act.

Amount to be expended.

Manufacture.

SEC. 4. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any and all of the substances or a combination thereof from which inflamable gas can be obtained, and to be used within any of the territory aforesaid for the purpose of lighting the village of Beaver Dam, Wisconsin, or the streets, public buildings and parks thereof, also all buildings public and private therein contained, and erect all the necessary works and apparatus, and to lay and maintain pipes and all necessary fixtures for the purpose of conducting the gas in and along any and all of the streets, alleys and avenues of said village, and within any of the limits aforesaid.

To lay pipes.

Trespass.

SEC. 5. Any person who shall commit any wilful trespass upon any of the property of this company, shall be deemed guilty of and punished as for malicious mischief, and shall also be liable in a civil action to said company, and in case such company shall recover in any civil action against any trespasser or wrong doer, in an action of trespass, or trespass on the case for tort, such company shall

recover three times the amount of damage so done, with costs of the court in which such recovery is had.

SEC. 6. The said corporation are hereby authorized and fully empowered in their corporate capacity to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and make and execute in their corporate name all necessary writings, notes, bonds, mortgages, or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, for all purposes in carrying out the objects of this company; and the official acts of said company are hereby declared binding in law and equity upon said corporation, and upon all other parties to such contract. To borrow money.

SEC. 7. This act shall be deemed a public act, and shall be favorably construed for the purposes for which this act is intended, and for the purpose of enabling said company to carry out the same, which purposes are hereby declared to be of public nature, and to be for the purpose of supplying burning gas for lights to the citizens, and all others within the territory and village aforesaid, for all necessary and usual purposes, public and private. Public act.

Approved March 27, 1855.

Chapter 244.

An Act to divide the towns of Leeds, Lodi, and West Point, in Columbia County, and to organize the town of Arlington.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All of township number ten, north of range nine east, in Columbia county, except sections six, seven, eighteen, nineteen, thirty and thirty-one, is hereby organized into a town, to be called the town of Arlington; and the first town meeting in said town, shall be held at the house of A. P. Smith, in said town; according to the provisions of sections six, of chapter twelve, of the revised statutes of this state. To organize a town.

SEC. 2. The west half of sections five, eight, seventeen, Detached.

twenty, twenty-nine and thirty-two, of township number ten, north of range eight east, in Columbia county, are hereby detached from the town of West Point, and attached to the town of Lodi, in said county.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 27, 1855.

Chapter 245.

An Act authorizing Allen Wood, John D. Ferrell, Oliver Wise and William Rogers to keep a ferry across the Wisconsin River, in Crawford and Grant Counties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To keep a ferry.

SECTION 1. Alvin Wood, John D. Ferrell, Oliver S. Wise and William Rogers, their heirs, executors, administrators and assigns shall have the exclusive right and privilege for the period of ten years, of keeping and maintaining a ferry across the Wisconsin river, on section twenty-two, in town eight, north of range number three west, in Crawford and Grant counties.

Regulations.

SEC. 2. The said ferry shall be subject to such regulations as other ferries are, or may by law be subject, and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by one or two horses or one yoke of oxen, fifty cents; for each additional horse or ox, ten cents; for man and horse, twenty-five cents; for cattle or horses in droves, eight cents each; for hogs and sheep, not more than three cents per head; and for foot passengers, ten cents each.

SEC. 3. Any furture legislature may alter, amend or repeal this act.

Approved March 27, 1855.

Chapter 246.

An Act to incorporate the Albany Academy.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Julius Hulbert, Joshua Whitcomb, Aaron Braughton, John B. Perry, Asa Comstock, J. H. Warren, Peter Parslow, James Campbell, and Erastus Hulbert, and their associates, together with such persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of the Albany Academy, by which name they and their successors, shall be ever known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity. Said corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy, property, real and personal, not exceeding thirty thousand dollars in value, and to sell and convey the same, rent or otherwise, lawfully dispose of at pleasure. Body corporate. To hold property.

SEC. 2. The stock of said company shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed by the by-laws of said corporation. Stock.

SEC. 3. Any three of the above named persons shall have power to call a meeting of said association, by giving ten day's notice thereof, by posting up notices in at least three public places in the said village of Albany, where said corporation is hereby located. To call a meeting.

SEC. 4. At the first legally notified meeting the stockholders shall have power to elect by ballot, nine trustees, three of whom shall be elected for one year, three for two years, and three for three years; and after the first election, three of the trustees may be elected annually: *Provided*, Always, That all trustees shall hold their offices until others are elected in their place. Election of trustees.

SEC. 5. At all elections and meetings of the company, each stockholder shall be entitled to one vote for each share of stock owned by him.

SEC. 6. The trustees shall have power, first: To elect

To elect. from their number a president, secretary and treasurer: also to elect all other officers of the corporation. Second; To call special meetings of the stockholders to fill vacancies in the board of trustees. Third: To sell, lease, mortgage or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders; also, to erect and keep in repair all necessary buildings for the use of said corporation. Fourth: To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in said academy. Fifth: To prescribe the duties and fix the salaries of all the officers of said corporation, and remove or suspend them from office, from incapacity, immoral conduct, or misbehaviour in office, and to appoint others in their places. Sixth: To make all rules, regulations and by-laws necessary and proper, to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state.

To dispose of property.

Teachers.

SEC. 7. No religious test or qualification shall be required of any trustee or officer of said corporation, nor of any student of said institution.

SEC. 8. This act may be amended or altered by any future legislature.

Approved March 27, 1855.

Chapter 247.

An Act to amend "An act to amend an act to consolidate and amend as the city of Milwaukee," and the several acts amendatory thereof, approved February 20, 1852.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Forfeited land. SECTION 1. In all cases within the corporate limits of the city of Milwaukee, when any lot or tract of land, or any portion thereof, shall have been sold and forfeited by reason of the non payment of the taxes thereon, the owner or any person interested therein, may redeem the same at any time prior to the execution of a tax deed by the treasurer to the purchaser, by such owner or person inter-

ested therein, paying to the treasurer the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum, and the legal charges thereon; and it shall be lawful for the city treasurer to receive such redemption money, on the same being tendered to him, at any time prior to the execution of the tax deed.

Taxes not paid.

SEC. 2. In all cases within the corporate limits of the city of Milwaukee, where the taxes on personal property shall not be paid prior to the passage of this act, the city treasurer may and it shall be lawful for him to issue a new warrant, directed to the city marshal, requiring and commanding him, within a certain time specified in such warrant, to proceed and collect such taxes on personal property as shall then remain unpaid; and the marshal receiving such warrant, shall be subject to all the liabilities, and shall have all the powers of levying, distraining and selling, that are given to the treasurer, and shall be entitled to the same fees for collecting which the treasurer would have, had the tax been collected by him, in the same manner and as fully as is provided in section ten of chapter eight of the act of which this is amendatory.

Certificate of work done.

SEC. 3. In all cases where the street commissioners of either of the wards of the city of Milwaukee, shall have issued a certificate for work done on the street, side-walk, or alley, chargable to lots or lands, according to the provisions of section ten of chapter seven of the act of which this is amendatory; and such lot or tract of land shall have been subdivided prior to the date of such certificate, then the work certified to in such certificate, shall be chargeable to that subdivision of such lot or tract of land, which fronts on the street, side-walk or alley, on which such work shall have been done, according to law; and it shall be lawful for the city treasurer, in collecting the special taxes, assessed by reason of the issue of such certificates, as provided in section ten of chapter seven of the act hereinbefore referred to, to collect the amount named in such certificate, from that subdivision of such lot or tract of land, which fronts on the street or alley named in such certificate, and on which said work was done according to law.

Nuisance to be abated.

SEC. 4. Whenever any nuisance, source of filth, or cause of sickness shall be found on private property, or in the street or alley in front or rear of such property, the

common council may order the owner or occupant thereof, at his own expense, to remove or abate the same, within twenty-four hours from the date of the order, or within such other time as may be named in such order; and if the owner or occupant shall refuse or neglect so to do within the time named in said order, then the street commissioners of the ward wherein said nuisance, source of filth, or cause of sickness, shall be found, shall forthwith cause said nuisance, source of filth, or cause of sickness to be abated or removed, at the expense of the lot or tract of land in the front or rear of which, or upon which such nuisance, source of filth, or cause of sickness may be found, and when the work of abating or removing such nuisance, source of filth, or cause of sickness shall have been completed, the street commissioner of the proper ward, shall give to the contractor or contractors, a certificate under their hand, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargable, which certificate may be transferred by endorsement thereon, and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed upon the said lots or parcels of land respectively, and collected for the use and benefit of the holder of such certificate, in the same manner as other taxes on real estate are collected by virtue of the act of which this is amendatory.

Certificate.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 27, 1855.

Chapter 248.

An Act to incorporate the Waucoma Academy, in the County of Rock.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporation. SECTION 1. John D. Chambers, W. W. Blackman, Harrison Stebbins, Henry Duncan, B. S. Hoxie, J. A. Hoxie, Daniel Lovejoy, Earl Woodbury, Platte Miller, John Longbum, T. Morgan, and their successors, are hereby created a body corporate and politic with the name and style of Title. the "Waucoma Academy." and shall be trustees of said corporation, and for that purpose to remain in perpetual succession.

Powers and liabilities. SEC. 2. The said corporation shall have all the powers and privileges, and be subject to the restrictions and liabilities of chapter fifty-four of the revised statutes of Wisconsin, entitled general provisions relating to corporations.

Study and discipline. SEC. 3. The said trustees and their successors shall have power and authority to direct and prescribe the course of study and discipline in said institution, and also to direct and appoint a president or principal and such professors, tutors and teachers, and such other officers as said trustees shall deem proper, all of whom shall hold their offices during the pleasure of said trustees.

Majority. SEC. 4. A majority of the board of trustees shall constitute a quorum for doing business, and they shall have power to fill all vacancies in their numbers.

Real estate. SEC. 5. Said corporation shall have power to hold real estate sufficient for all necessary purposes, connected with the institution: *Providing*, That the amount of such real estate shall not exceed the sum of twenty-five thousand dollars.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 27, 1855.

Chapter 249.

An Act locating the County seat of La Crosse County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the county seat of La Crosse county shall hereafter be, and is hereby located at the village of La Crosse, in said county.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 250.

An Act to incorporate the East and Fox Rivers Railroad Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That David M. Loy, William Armstrong, and Joseph T. Loy, and their successors and associates, to be determined, as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic

Title.

and corporate, by the name and style of the East and Fox rivers railroad company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed, and may take and hold such estates by gift, purchase, devise or lease; they may make have and use a common seal, and alter, break or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Capital stock.

SEC. 2. The capital stock of said company shall be divided into such number of shares of one hundred dollars

each, as the directors shall from time to time determine, and the directors shall cause books to be opened at such times and places as they may designate to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days notice of such times and places, by publishing the same in a newspaper printed in the county of Brown, and shall require five dollars on each share of stock subscribed to be actually paid in at the time of subscribing.

Directors.

SEC. 3. David M. Loy, William Armstrong, and Joseph T. Loy, shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided, and as soon as five hundred shares of the capital stock of said company shall be subscribed, and five dollars on each share actually paid in, the said directors shall close the books of subscription and receive no more subscriptions until after the election of directors by the stockholders, and they shall immediately give not less than thirty days notice in a newspaper as aforesaid, of an election of so many as may be deemed expedient, at some time and place to be designated by them, and the directors thus elected, shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Stock subscribed.

Management.

SEC. 4. All the affairs of said corporation shall be managed by the president and directors who shall be stockholders, and the board of directors is hereby invested with all the powers of the corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders equal to the number of directors to be elected, having the greatest

Election of directors.

number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If for any cause an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time on thirty days notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities by reason of the irregularity or want of any such election.

Quorum.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, and one to be vice president, who shall respectively serve for one year, or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders, and when absent, the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and such other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate, to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any person or persons failing to pay any installments, as also all previous payments thereon, and also in their discretion on the request of any stockholder to cancel his stock, and to refund to such stockholder the amount paid by him or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, co-partnership or corporation, whatsoever, as the execution and management

May re-open books.

Cancel stock.

of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any railroad company, for the leasing of the whole or any part of any railroad, constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company, to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution and laws of the United States and of this state, as they shall think proper, for the well ordering of the affairs of said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Stock.

SEC. 6. All shares of stock in this company owned by any person shall be deemed personal property, and shall be transferable in such such manner and form at such place and under such regulations as shall be prescribed by the by laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Power to locate railroad.

SEC. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks of iron or wood from such point on East river as shall be determined by the directors to such point or points on the east bank of Fox river, south of Depere, in Brown county, as shall be determined by the board of directors, and the said company shall have power to transport, take and carry, property and persons, upon said road by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad, and they shall have the power to connect the said road with any

other railroad in this state, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner.

To consolidate.

To borrow money.

SEC. 9. The said company is hereby authorized and fully empowered in its corporate capacity to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom said money may be obtained; any law on the subject of usury in this state, or in any other state, where such transactions may be made, to the contrary, notwithstanding, and to make, execute, and deliver, in or out of the state, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind, as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and to make, execute, sell and deliver at private or public sale, in or out of this state, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporations and upon all other parties to such contracts.

Right of company.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon, and along, across, under or over any public or private highway, road, street, plank road or railroad, if the same be necessary, but the said company shall restore such highway, road, street, plank road or railroad to its former state, so as not to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all necessary bridges for the use of their said railroad, over any stream of water or water course at such points of

crossing, the same as they shall locate the said road, with all necessary abuttments, piers or other foundations.

Take possession of land.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall in writing, to be signed by him and recorded in the office of the register of deeds of the county in which such lands are located, decide and delare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses, or other fixtures and grounds about the same for the operation and business of said road, or for making drains and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct, or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel, or stone; or for the purpose of obtaining earth, gravel, timber, stone, or other materials, for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided, and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same, and whenever, in the opinion of the company, the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

Compensation.

Title to lands.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which by the provisions of this act, they are authorized, after the route of the railroad shall be determined, to enter,

and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company, in fee simple, as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disability, then with the guardian of such minor, non compos mentis, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay such to owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any in such county, such sum as said company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by their commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the county of Brown, either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners, by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint the commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another copy to such owner, guardian, or husband, if resident of the county in which such land shall lie, and if not, they shall deposite the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies, and if the amount awarded by said commissioners shall be more than the said company

Commissioners to fix compensation.

had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more then the other party shall pay such costs; and either party may, within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same, the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for the taking and using of the said land, and the said court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation so to be ascertained according to the provisions of this section, shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or

Costs.

May appeal.

Judgment.

in equity, and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Testimony. SEC. 13. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror, in any suit or proceeding for the reason that such person is a stockholder in said company.

Charge for transportation. SEC. 14. On the completion of said railroad or one half of said road, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property as they shall from time to time think reasonable.

Destruction of property. SEC. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Punishment.

Evidence SEC. 16. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the state, shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 251.

An Act to authorize John H. Knapp, Henry L. Stout, Andrew Tainter and Thomas B. Wilson to build and maintain a dam across the Red Cedar River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To keep a dam.

SECTION 1. That John H. Knapp, Henry L. Stout, Andrew Tainter and Thomas B. Wilson, their heirs, successors and assigns are hereby authorized and empowered to build anh maintain a dam across the Red Cedar River, in the county of Dunn, upon lot number one of section twenty-four, township twenty-six, range thirteen west of the 4th principal meridian, or on any lands they they may own adjacent thereto, to erect mills or other machinery, or in any other manner to make use of the water for hydraulic purposes; and in the event that such dam shall cause the water to flow back on any lands, not owned by the persons named in this act, authorized to build and maintain said dam, then they shall pay the owner or owners of such land the amount of damages occasioned by such overflowing, irrespective of the enhancement of the value of said land, by occasion of the erection of said dam, such damages to be ascertained by the verdict of a jury in an action of trespass (and by no other mode) to be by such owner or owners brought in any court of record within the county of Dunn: *Provided*, That said dam shall not be raised so high as to overflow, injure, or in manner damage any mill-site, owned or occupied by any other person or persons on said river.

Damages.

To construct a lock.

SEC. 2. The owners of said dam shall construct a lock in said dam not less than eighty feet long, between the gates, and not less than eighteen feet wide, for the passage of boats and barges, and the proprietors shall maintain said lock, and shall attend the passage of all boats and barges free of charge to the owners thereof.

Slide or shute.

SEC. 3. The proprietors of said dam shall also construct a sufficient slide, or shute, in such manner as to allow the passage of rafts over said dam as well as to permit the ascent and decent of fish in said stream.

Damages.

SEC. 4. Any person or persons committing any malicious injury to said dam now or hereafter to be constructed under this act, shall be liable to the owners thereof for the amount of injury done, and all damages sustained may be

collected before any court having competent jurisdiction, and in accordance thereto upon conviction therefor be punished in the manner provided by law for offences of that nature.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved, March 29, 1855.

Chapter 252.

An Act to amend chapter three hundred and thirty-six of the Private and Local Statutes, of eighteen hundred and fifty-three, entitled "an act to incorporate the village of Menasha."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To vacate.

SECTION 1. That so much of the corporate limits of the village of Menasha, granted by chapter three hundred and thirty-six, of private and local statutes of eighteen hundred and fifty-three, entitled "An act to incorporate the village of Menasha," as are situated in the present town of Neenah, in the county of Winnebago, be and the same hereby are vacated and excluded from the corporate limits of the village of Menasha.

SEC. 2. That in case the towns of Neenah and Menasha are re-united in one town, then and in that case, this act shall be of no force and effect, from and after the time they are so united.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 253.

An Act to authorize the laying out a State Road therein described.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Isaac C. Loomis, Clinton Goit and Jacob Glaisner are hereby appointed commissioners, for the purpose of laying out and establishing a state road from the village of Ozaukee, in the county of Ozaukee, northwardly, to intersect the Sheboygan road, in the town of Holland, in the county of Sheboygan, at a point about three miles north of the village of Amsterdam, in the said town of Holland. Commissioners.

SEC. 2. Said commissioners shall be allowed such compensation for their services as shall be allowed by the several boards of supervisors of the counties of Sheboygan and Ozaukee: *Provided*, That they shall receive no pay for their services out of the state treasury. Compensation

Approved March 29, 1855.

Chapter 254.

An Act to lay out a State Road therein described.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That John Saxton, John H. Warren and Joshua Dunbar, be and are hereby appointed commissioners to lay out and establish a state road from the village of Magnolia, county of Rock, via. Albany, Green county, to Argyle, Lafayette county, Wisconsin. To lay out a state road.

SEC. 2. The said commissioners shall receive a fair compensation for their services from the counties through which the said road shall pass, each county paying a proportionate share of the expenses: *Provided*, No part of such expense shall be paid out of the state treasury. To compensate

Approved March 29, 1855.

Chapter 255.

AN ACT to authorise certain Towns to aid in the construction of Railroads.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Supervisors to issue bonds.

SECTION 1. The respective boards of supervisors of the towns of Bloomfield, Linn, Geneva, Elk Horn, La Fayette, Sugar Creek, La Grange, Richmond and Whitewater, in the county of Walworth; and of Koshkonong, Jefferson, Aztalan, Milford, Lake Mills and Waterloo, in the county of Jefferson; are hereby authorized on the conditions and for the purposes hereinafter mention d, to issue the bonds of their respective towns for any sum of money not exceeding in the aggregate, the amount in each case hereinafter specified, to wit: Bloomfield, twenty-five thousand dollars; Linn, twenty-five thousand dollars; Geneva, fifty thousand dollars; Elk Horn, twenty thousand dollars; La Fayette, thirty thousand dollars; Sugar Creek, thirty thousand dollars; La Grange, thirty thousand dollars; Richmond, twenty thousand dollars; Whitewater, forty thousand dollars; Koshkonong, sixty thousand dollars; Jefferson, forty thousand dollars; Aztalan, twenty-five thousand dollars; Milford, twenty-five thousand dollars; Lake Mills, twenty-five thousand dollars; Waterloo, twenty-five thousand dollars.

Amount.

Denomination.

SEC. 2. Such bonds shall be signed by the chairman of supervisors, and countersigned by the town clerk; shall be of the denomination of five hundred dollars; or of one thousand dollars each; shall be payable at such place as the board of supervisors issuing them may deem advisable, and shall be payable at a time specified therein, not exceeding twenty years from the date, with interest payable annually or semi-annually, at not exceeding eight per cent. per annum.

Bonds for stock.

SEC. 3. Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment at the value expressed on their face, for shares of stock to be subscribed by the supervisors, for the benefit of the town, in the capital stock of any railroad company authorized to construct a railroad through such towns, or adjoining towns.

When to be issued.

SEC. 4. No such bonds shall be issued, until a majority of the legal voters of the town, voting upon the question,

shall have voted in favor of such issue. The election for that purpose may be called by supervisors of the town, or be ordered to be held on the day of the annual town meeting; but in either case, notice of the election shall be posted up in five public places in the town, and be published in a newspaper, printed in the county, for twenty days preceding such election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear, and the railroad for which they are to be issued; at such election, those voting in favor of the proposition, shall deposit a ballot containing the words "For the Railroad," and those voting against it shall deposit a ballot containing the words "Against the Railroad." The election shall be conducted, and the votes shall be canvassed and certified in the same manner as the votes given at the annual town meeting.

Security to towns.

SEC. 5. Before the supervisors shall issue and deliver any such bonds, the railroad company shall give security, to the satisfaction of the supervisors, that the money arising from the sale of the bonds, shall be faithfully applied to the construction of such railroad as they may designate, most advantageous to their town, and that the railroad shall be completed to such point and within such time as they may deem it safe and expedient to require.

Stock pledged.

SEC. 6. The shares of stock in such railroad company, thus taken by any town, and all dividends arising therefrom, are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds delivered therefor; but the supervisors may sell the same, if authorized so to do, by a vote of an annual town meeting of their town, and thereafter the proceeds of such sale and the interest thereof shall be and remain irrevocably pledged to pay the principal and interest of such bonds. The supervisors shall annually or whenever it may become necessary, levy a tax upon the taxable property of the town, sufficient to pay the interest upon such bonds, after deducting the dividends due to their towns, on its shares of stock.

Mortgage or incumbrance.

SEC. 7. The shares of stock so subscribed for, and held by any such town, shall not be in any manner affected by any mortgage, lien or incumbrance given or obtained upon such railroad; and in case any such railroad shall be sold, or in any manner disposed of, to satisfy any such mortgage or lien, such shares of stock held by such town,

shall still remain valid and unaffected, and the town shall be entitled to draw the same dividends upon such shares, in whosoever hands or control such railroad may be, as if no such sale or disposition had been made.

Railroad commissioners.

SEC. 8. The board of supervisors of each town, holding any shares of stock, shall annually, or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock so held by the town, in the election of officers and all questions.

Publication.

SEC. 9. This act shall be published in the Walworth County Independent and the Jeffersonian, and with the laws of a general nature; and shall be in force from and after its passage.

Approved March 29, 1855.

Chapter 256.

An Act to authorize Walter B. Gaige and Jacob Gundlach to keep and maintain a ferry.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

To keep a ferry.

SECTION 1. The said Jacob Gundlach and Walter B. Gaige, their heirs, executors, administrators and assigns, are hereby authorized to keep and maintain a ferry across the Wisconsin river, at and opposite to Germantown, in Adams county, for the term of ten years, from and after the passage of this act: *Provided*, That this act shall not be construed so as to give any authority to the aforesaid persons to maintain any ferry within the limits heretofore prescribed and granted to Henry W. Kingsbury.

Protection.

SEC. 2. No other ferry shall, for said period of ten years, from and after the passage of this act, (be liscensed,) within one mile from the limits of said village of Germantown.

Rates of ferriage.

SEC. 3. The rates of ferriage at said ferry shall be as follows, to wit: For crossing every vehicle drawn by two or more oxen or mules, fifty cents; for every vehicle drawn by one horse, thirty cents; for each additional

horse, ox or mule fifteen cents; for man and horse, twenty-five cents; for each foot passenger, ten cents; for cattle, horses, mules, sheep and swine, in droves, five cents per head.

SEC. 4. All acts and parts of acts contravening any of the provisions of this act are hereby repealed. Repealing.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March, 29 1855.

Chapter 257.

An Act to change the name of Muskego Centre, in the town of Muskego county of Waukesha, to Prattsburgh.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Muskego Centre, in the town of Muskego, Waukesha county, is hereby changed to Prattsburgh. Name changed.

SEC. 2. This act to be in force from and after its passage.

Approved March 29, 1855.

Chapter 258.

An Act to amend an act entitled "An act to authorize the city of Green Bay to pay the subscription to the capital stock of the Green Bay and Depere plank road, subscribed by the borough of Green Bay to said road, by their committee, Baron S. Doty, D. Cooper Ayers and George O. Haywood, approved February 17, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The proviso contained in section five of the act to which this is amendatory, the same is hereby repealed. Repealed.

To redeem and cancel bonds.

SEC. 2. Upon the presentation by the holder or owner, either by himself, agent, or attorney, to the mayor or clerk of the city of Green Bay, any bond or bonds of the borough of Green Bay, issued in pursuance of the subscription made by said borough to said plank road, it shall be the duty of the city council immediately thereafter, to issue a bond or bonds, in manner and form as required in section two of the act to which this is amendatory, of like amount in redemption of the bond or bonds so presented; and it shall be the duty of the clerk of the said city to enter in the minute book, the amount of each bond so redeemed, and the date thereof, and shall mark across the face of each bond, the word *cancelled*, and sign thereto his name.

Transfer.

SEC. 3. It shall be the duty of the president and secretary of the Green Bay and Depere plank road company, when requested to transfer said bonds, when issued for the benefit of the holder or owner thereof.

SEC. 4. This act and the act to which this is amendatory shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 259.

An Act to amend an act entitled "An to incorporate the city of Janesville," approved March 19, 1853, and the several acts amendatory thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To appoint officers.

SECTION 1. The common council for said city shall appoint the marshal, constables, assessor and a board of school commissioners to consist of one from each ward, and the office of superintendent of schools, is hereby abolished.

Powers of S. commissioners.

SEC. 2. The board of school commissioners shall have and exercise the same powers and perform the same duties as have heretofore been performed by the superintendent of schools, so far as the same may not be inconsistent with the provisions of this act; and in addition

thereto, shall have power subject to the approval of the common council, first: To erect, hire or purchase buildings suitable for school houses, and keep the same in repair. Second: To buy or lease sites for school houses, with the necessary grounds. Third, To furnish schools with the necessary fixtures, furniture and apparatus. Fourth, To establish, support and maintain public schools in said city, of such grades as the wants of the pupils in the city may demand. Fifth, To fix the rate of compensation to be allowed to teachers. Sixth, To prescribe the school books to be used and the studies to be taught in the different schools. Seventh, To lay off and divide the city into school districts, and to consolidate the districts in any two wards, subject to the approval of the city council, and from time to time alter the same or create new ones, as circumstances may require: *Provided*, That no school district shall be so formed or altered as to include territory lying in part in two or more wards. Eighth, And generally to have and possess all the rights, powers and authority necessary for the proper management of schools in said city. Proviso.

SEC. 3. The preceding section shall not be so construed as to authorize the board of school commissioners to do any act which will require an appropriation of money exceeding one hundred dollars, (except making contracts with teachers,) without having first applied to the common council for authority to do such act, nor then unless such authority be granted by the common council; and all contracts, express or implied, entered into by said board of school commissioness, contrary to the provisions of this section, shall be absolutely void. Appropriations.

SEC. 4. It shall be the duty of said board of school commissioners, semi-annually, to report to the common council the condition of the several schools in said city, and the average number of pupils in attendance, the names and rates of compensation of the several teachers, the cost of supporting said schools for the preceding six months, and the estimated costs of such schools for the next succeeding six months, specifying the items, together with such other matters as the common council shall require. Report.

SEC. 5. It shall be the duty of the board of school commissioners, or a majority of them, to visit every public school in said city, at least once in every two weeks. Visit schools.

SEC. 6. The common council may, from time to time, Government.

pass such rules, ordinances and by-laws for the government of said board of school commissioners, as such common council may deem proper.

Taxes. SEC. 7. All taxes for the support of schools shall be raised by the common council, and shall be uniform throughout the city, and the school district offices of directors, treasurer and clerk are hereby abolished.

Property vested in city. SEC. 8. The real and personal property of the several school districts in said city, is hereby vested in the city, and the title to all real estate of said district shall, from and after the passage of this act, be vested in fee in said city, and may be disposed of as the common council shall direct.

Appraisement. SEC. 9. The property of the several districts shall be appraised in such manner as the common council shall direct, and the value thereof shall be credited to the several districts, that the amount of city school tax first raised under the provisions of this act, shall bear equally upon the several district as they now exist, the inhabitants of the several districts and the real estate in such districts being credited the value of the property severally belonging to them, and surrendered to the city by them respectively.

Public expenses. SEC. 10. The common council shall have power to lay out public squares, grounds, streets, and alleys, and to widen the same as follows: Whenever ten or more free holders, residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within such ward, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or for enlarging or windening the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owner of such premises, if the same shall be known to the petitioners, to be set forth in such petition; the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if of any portion of such lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in a newspaper published in said city, for four weeks, at least once in each week: *Provided, however*, That nothing in this section contained shall be so construed as to give to the common council any power or authority to lay out any public

Proviso.

grounds, squares, streets or alleys, or to enlarge or widen any such already laid out, upon any land not included within the limits of the recorded plat of said village of Janesville, or of any additions to said village, but all public roads and highways hereafter to be laid out through or across that portion of said city not included within any recorded plat, shall be laid out and established in the same manner that public roads and highways are now laid out and established by towns, and for that purpose the aldermen of the several wards of said city are hereby vested with all the power and authority of town supervisors.

Amendment.

SEC. 11. Section nine, of chapter six, of said act, is hereby amended so as to read as follows: At least ten days personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in a newspaper printed in said city, weekly for three successive weeks. Such notice shall specify the building, and award of the jurors. It shall also require the parties interested to appear, by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Appeal.

SEC. 12. Any person whose property is taken, or against whom or on whose property an assessment or award is made, by virtue of this act, may within twenty days after the return of such assessment or award by said jurors to the common council, appeal from said assessment or award to the circuit court for Rock county. Such appeal shall be made by filing with the clerk of the circuit court of said county, a written notice specifying that an appeal has been taken from such assessment or award, describing it, and giving the names of the jurors by whom it was made, and describing briefly the property affected by such assessment or award, and serving a copy of such notice on the mayor and city clerk. Such notice of appeal shall have attached thereto an affidavit of the person making such appeal, or his agent or attorney, that such appeal is made in good faith, and not for the purpose of delay. Such no-

tice of appeal shall be signed by the party taking the appeal, or his agent or attorny.

Filing transcript of assessment.

SEC. 13. Within twenty days after a copy of such notice has been served on the city clerk, it shall be the duty of such clerk to file in the office of the clerk of the circuit court, a certified transcript of the said assessment or award, together with all other papers on file, or of record in his office relating in any manner to the proceedings of the common council or jury, affecting or touching the subject of said assessment or award; such transcript may be used in evidence in like manner as the original. Said city clerk shall be allowed ten cents per folio for making and filing such certified transcript, to be paid by the party taking the appeal.

Publication.

SEC. 14. Within twenty days after a copy of such notice has been served on the city clerk, it shall be the duty of such clerk to cause such copy to be published in a newspaper printed in said city, for two weeks successively, at least once in each week; and due proof of such publication shall be filed in the office of the clerk of the circuit court. The cost of such publication shall be paid by the appellant.

Appearance.

SEC. 15. Within ten days after the last publication of the notice mentioned in the next preceding section, any person interested in said appeal, or interested in any manner in the premises mentioned in said assessment or award, may file a notice, either in person or by attorney, of his appearance in said cause, in the office of the clerk of the circuit court aforesaid, which notice shall specify whether he appears as party, plaintiff, or defendant in such appeal.

Clerk to enter appearance.

SEC. 16. Upon filing the notice mentioned in the next preceding section, it shall be the duty of the clerk of the circuit court to enter the appearance of such person in the cause either as plaintiff or defendant as they case may be, and such person shall then be deemed a party to such suit to all intents and purposes.

Prohibition.

SEC. 17. All persons interested in said appeal, or interested in any manner in the premises mentioned in said assessment or award, who shall not appear within the time and in the manner specified in section fifteen of this act, shall be forever prohibited from instituting any suit either in law or equity, so set aside, review or interfere with said assessment or award, or the proceedings relating thereto, whether prior or subsequent to the time of filing such assessment or award in the office of the city clerk; but all

such persons shall be deemed to have acquiesed in the final adjudication and determination of such assessment or award on such appeal, and to have waived all rights which he might otherwise have claimed.

Trial. SEC. 18. When an appeal has been taken in the manner provided for in section twelve of this act, the cause shall be considered in court, and shall be tried as nearly as practicable, in the same manner as actions on the case. The jury shall view the premises, and such evidence may afterwards be given to them in court as may be deemed proper. In making up their verdict, which shall be in writing, they shall make their assessment upon property in the manner provided for in the sixth chapter of the act to which this act is amendatory; upon returning such verdict, judgment shall be rendered against the lands upon which such assessment shall be made; and a certified copy thereof shall be transmitted to the city clerk within ten days thereafter. The amount of such assessment and all costs shall be collected from the lands so assessed in the same manner as assessments or taxes for building side-walks, and when so collected shall be paid by the city treasurer to the parties entitled thereto.

Cases of appeal. SEC. 19. The time mentioned in section eighteen of said chapter six, shall not be deemed to apply to cases in which an appeal may have been taken.

Judgment. SEC. 20. After the rendition of the judgment as provided in section eighteen of this act, the city shall have authority to appropriate, for the use of the city, the lands described in the petition mentioned in the tenth section of this act.

Where to be tried. SEC. 21. It shall be the duty of the judge of the first judicial circuit to frame such rules for conducting the trial of such appeals as he may deem necessary to carry out and give full force and effect to the provisions of this act.

SEC. 22. All appeals provided for in this act shall be tried in the circuit court for the county of Rock.

License. SEC. 23. The common council of said city shall not have power to grant by ordinance or otherwise any license for the sale of spirituous, vinous or fermented liquors. This section shall take effect and be in force on the first day of June next.

Election. SEC. 24. The next preceding section shall cease to be in force from and after the first day of June next, unless previous to that time a majority of the legal voters of the city of Janesville, voting on the question, at a general election

or special election, to be appointed by the common council of said city, shall vote in favor of said next preceding section; and the said common council are hereby authorized and empowered by ordinance to appoint the time and manner of holding and conducting such election, and the making of the returns thereof, and the form of the ballot to be cast by the electors at such election.

Amendment.

SEC. 25. Section four of chapter four of the act to which this act is amendatory is hereby amended so as to read as follows: All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in one or more of the weekly papers published in said city before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of one of such newspapers, and said affidavit shall be recorded therewith and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

Amendment.

SEC. 26. Section eight of the amendatory act (approved March 24, 1854) is hereby amended so as to read as follows: All actions brought to recover any penalty or forfeiture under this act or the act to which this act is amendatory, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city; and in any such action it shall be lawful to complain generally, in debt for the amount of each penalty or forfeiture, stating the section of the statute, by-law or ordinance under which the penalty is claimed, and to give the special matter in evidence, and the defendent may answer by simply denying the truth of the complaint, and give the special matter in evidence. The first process in any such action shall be by warrant, and execution may be issued immediately on the rendition of judgment. If the defendant in any such action have no goods or chattels, whereof the judgment can be collected, the execution shall require him to be imprisoned in the

county jail for a term not exceeding three months or until such judgment shall be paid. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture shall be defrayed by the city.

Fees of treasurer.

SEC. 27. The treasurer of said city shall be entitled to and shall receive for collecting all taxes levied by said city a fee of one-half of one per cent., and for disbursing the same a fee of one-half of one per cent., which shall be in full payment of all services performed by the treasurer for the said city.

Repealed.

SEC. 28. All acts and parts of acts contrary to the provisions of this act are hereby repealed.

SEC. 29. This act shall take effect and be in force from and after the first day of April next.

Approved March 29, 1855.

Chapter 260.

An Act to incorporate the Sheboygan and Appleton Railroad Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Aashel P. Layman, David Taylor, A. L. McCrea, Morgan L. Martin, Theodore Conkey, P. H. Smith, Henry S. Eggleston, Edward West, Frederick Packard, and their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the name and style of the "Sheboygan and Appleton Railroad Company;" and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break or renew the same at pleasure; and by that name they may sue and be sued; plead

and be impleaded; answer and be answered; defend and be defended; contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Capital stock. SEC. 2. The capital stock of said company shall be divided into such number of shares of one hundred dollars each, as the directors shall from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days' notice of such times and places, by publishing the same in a newspaper printed in both the counties of Sheboygan or Outagamie, and shall require five dollars on each share of stock subscribed to be actually paid in at the time of subscribing.

Directors. SEC. 3. The said above named persons shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided; and as soon as five hundred shares of the capital stock of said company shall be subscribed, and five dollars on each share actually paid in, the said directors shall close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders, and they shall immediately give not less than thirty days' notice in a newspaper as aforesaid of an election of nine directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Stock subscribed.

Management. SEC. 4. All the affairs of said corporation shall be managed by a board of nine directors, who shall be stockholders, or of such other number not more than fifteen or less than five, as shall be previously specified in the notice of the election, and the board of directors is hereby invested with all the powers of the corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is herein required to be given of the first election of direc-

Election of directors.

tors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders equal to the number of directors to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If for any cause an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time on thirty days notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities by reason of the irregularity or want of any such election.

Quorum.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, and one to be vice president, who shall respectively serve for one year, or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders, and when absent, the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and such other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate, to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any persons failing to pay any installments, as also all previous payments thereon, and also in their discretion on the re-

May re open books.

Cancel stock.

quest of any stockholder to cancel his stock, and to refund to such stockholder the amount paid by him or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, co-partnership or corporation, whatsoever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company, for the leasing of the whole or any part of any railroad, constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of *this* company, to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution and laws of the United States and of this state, as they shall think proper, for the well ordering of the affairs of said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Stock.

SEC. 6. All shares of stock in this company owned by any person shall be deemed personal property, and shall be transferable in such such manner and form at such place and under such regulations as shall be prescribed by the by laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Power to locate railroad.

SEC. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks from such point in the city of Sheboygan, to the village of Appleton, thence to any point on the shore of Lake Superior within the boudaries of this state as shall be determined upon by the board of directors, and the said company shall have power to transport, take and carry, property and persons, upon said road by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such

depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad, and they shall have the power to connect the said road with any other railroad in this state, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner; and to transport persons and property in boats, vessels and barges, on Lake Winnebago and the rivers connecting therewith, and to collect reasonable compensation for the same. To consolidate.

SEC. 9. The said company is hereby authorized and fully empowered in its corporate capacity to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom said money may be obtained; any law on the subject of usury in this state, where such transactions may be made, to the contrary, notwithstanding; and to make, execute, and deliver in or out of the state, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind, as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and to make, execute, sell and deliver at private or public sale, in or out of this state, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporations and upon all other parties to such contracts. To borrow money.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon, along, and Right of company.

across, under or over any public or private highway, road, street, plank road or railroad, if the same be necessary, but the said company shall restore such highway, road, street, plank road or railroad to its former state, so as not to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all necessary bridges for the use of their said railroad, over any stream of water or water course at such points of crossing the same, as they shall locate the said road, with all necessary abuttments, piers or other foundations; *Provided*, that the erection of such bridges, abuttments, piers, or other foundations, shall in no wise interfere with the free navigation of any navigable stream.

Take possession of land.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall in writing, to be signed by him and recorded in the office of the register of deeds of the county in which such lands are located, decide and delare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses, or other fixtures and grounds about the same for the operation and business of said road, or for making drains and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct, or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel, or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials, for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertain-

Compensation.

ed in the manner hereinafter provided, and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same, and whenever, in the opinion of the company, the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

Title to lands.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which, by the provisions of this act, they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company, in fee simple, as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disability, then with the guardian of such minor, non compos, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any in such county, such sum as said company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the fourth judicial circuit either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners, by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said juge shall appoint the commissioners, who shall proceed to examine the premises, having first given such notice as they

Commissioners to fix compensation.

may deem reasonable to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another copy to such owner, guardian, or husband, if resident of the county in which such land shall lie, and if not, they shall deposite the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies, and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more then the other party shall pay such costs; and either party may, within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same, the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for the taking and using of the said land, and the said court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation so to be ascertained according to the provisions of this section, shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to

Costs.

May appeal.

said lands so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or in equity, and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Testimony.

SEC. 13. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror, in any such suit or proceeding for the reason that such person is a stockholder in said company.

Charge for transportation.

SEC. 14. On the completion of said railroad or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property as they shall from time to time think reasonable.

Destruction of property.

SEC. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Privileges, &c.

SEC. 16. The privileges and immunities hereby grant-

ed to said railroad company shall be null and void from and after five years from the passage of this act, unless said railroad company shall have ten miles of said road in actual operation.

Evidence

SEC. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the state, shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 261.

An Act to incorporate the Outagamie Marine, Fire and Life Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That Perry H. Smith, Luther B. Noyes, Julius S. Buck, Frederick Packard, Henry S. Eggleston, Anson Ballard, Peter White, Charles G. Adkins, Mark H. Lyon, Samuel Ryan, jr., A. B. Everts, Rollin A. Law, T. A. Wilcox, their successors, associates and all such persons as shall hereinafter have property insured by said company, shall be and hereby are ordained, constituted and declared to be a body corporate and politic in fact and name by the name of the Outagamie Marine Fire and Life Insurance Company, and the said company or corporation shall conform to the requisites and provisions of this act as hereinafter described.

Members.

SEC. 2. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators and assigns, continuing to be insured therein, as hereinafter mentioned, shall be deemed to be members thereof, and shall be taken to be such members for and during the terms specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this act; and the property and concerns of said corporation shall be

managed and conducted by a board of nine directors, and that Luther B. Noyes, Perry H. Smith, Julius S. Buck, Frederick Packard, Henry S. Eggleston, Anson Ballard, Charles G. Adkins, Samuel Ryan, jr., and Rolla A. Law, shall be the first directors of said company or corporation, and shall continue in office for the period of one year and until others are chosen, which directors shall be chosen on the first Monday in April in each year, and shall be elected by ballot at the village of Appleton, in the county of Outagamie, at such time and place in said village as the board of directors for the time shall appoint, of which election public notice shall be given in some newspaper published in said county, at least twenty days previous to said election. No election held at the time provided in this act, shall be void or illegal by the neglect of the proper notice, and such election shall be holden under the direction and inspection of three members not being directors to be appointed previous to every election by the board of directors, and such election shall be made by a plurality of the votes of the members or their proxies, allowing to each member one vote, and nothing contained in this section shall be so construed as to prevent the re-election of a member to the office of director of this corporation. First directors.

SEC. 3. If from any cause an election for directors shall not be held at the time specified therefor, the said corporation for that reason shall not be dissolved, but it shall be lawful on any other day upon twenty days notice given as aforesaid, to hold an election for directors as shall be provided for in the by-laws of said corporation, and until such election the directors of the preceding year shall continue to act and all their doings shall be binding upon said corporation until their successors shall be elected.

SEC. 4. The directors hereinbefore named, shall as soon as may be after the passage of this act, and the directors to be chosen at such annual election as is hereinbefore provided for shall as soon as may be thereafter proceed to choose out of their number one person to be president, and in case of the death, resignation or inability to serve of the president or any director of said corporation, such vacancy may be filled for the remainder of the year by the board of directors, and in case of the absence of the president, the board of directors shall have power to appoint a president pro. tem., who shall have and exercise such powers as the by-laws of said corporation may provide. Officers.

SEC. 5. The rates of insurance shall be from time to Rates.

time fixed and regulated by the board of directors and premium notes therefor; and such per centage of cash as shall be required shall be received from the insured. Such notes shall be paid at such time and in such manner, as the company shall from time to time require, and at the expiration of the term of insurance, the said notes or such part of the same, as shall remain unpaid after deducting all losses and expenses during the term, shall be relinquished and given up to the makers thereof. The company shall have power in their discretion, to make any and all insurance which by law, they are or hereafter may be authorized to make, to any person or persons with whom they may agree to that effect, for a specific rate of premium to be paid in cash, in the same manner as insurance companies other than mutual insurance companies are accustomed to do, and in all such cases the insured shall not become members of the company, nor be in any wise entitled to any share of the profits, premiums or earnings, nor in any wise liable for the losses, debts or liabilities of the said company, and all premiums received for such insurance shall be passed to the general credit of the company, and all losses growing out of said special policies shall be paid in like manner as losses under the ordinary policies of the company. All stockholders or persons having notes in said company, shall be liable to any person or persons receiving special insurances as provided in this section, in the same manner as they are under the ordinary insurances, and it shall be lawful for said company to loan such portion of their money on hand, as shall not be wanted immediately for the purposes of said company or corporation, to be secured by bond and mortgage on real estate of double the sum loaned above all incumbrances for a term of time not exceeding one year, the interest to be paid half yearly, and in default of such payment the principal, as well as interest, to become immediately due and collectable.

Liability on deposit notes.

Policies.

SEC. 6. The policies of insurance and other contracts founded thereon hereafter to be made or entered into by said corporation though not under seal, if subscribed by the president, or in case of his absence, resignation or inability to act, by such officer or officers, person or persons, as may be for the purpose authorized by this act of incorporation or the by-laws of said corporation, countersigned by the secretary; shall be binding and obligatory upon the said corporation, and shall have the like effect to all

intents and purposes as if the seal of said corporation had been or was affixed thereto.

SEC. 7. In case any person or persons insured named in any policy or contract of insurance made by the corporation hereby created, shall sell and convey or assign the subject insured, during the period of time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers their heirs or assigns such policy or contracts of insurance; and may bring and maintain a suit thereon in his, her or their own name or names: *Provided*, That before any loss shall happen he she or they, shall obtain the consent in writing to such assignment, and have the same endorsed on or annexed to said policy of insurance. **May be assigned.** **Proviso.**

SEC. 8. Suits at law may be maintained by said corporation against any of its members, for the collection of the said deposite notes or for any cause relating to the business of said corporation, or against any moneys due said corporation, or for injury done to their corporate property, books or papers, or for causing the destruction by fire of any property by them insured. And it shall and may be lawful for the said corporation, to take and hold any real estate bona fide mortgaged or pledged to said corporation, by way of security for the payment of any debt, which may be contracted with the said corporation, and all real estate purchased by said company, for the purpose of collecting or securing debts, shall escheat to the state unless the same shall have been sold and disposed of, and passed bona fide from the possession and ownership of said corporation, within ten years next succeeding such purchase; also, suits at law may be maintained against said corporation, by any member thereof for losses or damage by fire if payment is withheld more than ninety days after said company is duly notified of such loss, and no member not being in his individual capacity interested, shall be incompetent as a witness in any such case as the aforesaid, on account of his being a member of said corporation. **Suits at law.**

SEC. 9. The directors shall after receiving notice of any loss or damage by fire, sustained on property insured by this corporation and ascertaining the same, or after the rendition of any judgment as aforesaid, against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportions of such loss, and publish the same as they may see fit, or in such a manner as they shall have prescribed, **Directors to settle and pay losses.**

and the same to be paid by each member, shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer of said corporation within thirty days after such publication, and if any member shall for the space of thirty days, next after such publication, neglect or refuse to pay the sum assessed to him as his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposited note or notes, with costs of suit or may have execution for the whole amount, as before provided in this act, and the amount thus collected shall remain in the treasury of said corporation, subject to the payment of such delinquents proportion on future losses and expenses, and the balance if any remain shall be returned to the party, from whom it was collected on demand, after thirty days from the expiration of the term for which insurance was made.

Assessments.

SEC. 10. If the available funds on hand and the amount of deposit notes, should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company, shall receive toward their respective losses, a proportionate dividend of the whole amount of said deposite, according to the sums to them respectively insured; and in addition thereto a sum to be assessed on all the members of said company, on the same principles as regulated the amounts of their deposite notes, but not exceeding one per cent. of the amount to those insured respectively, and no member shall be required to pay for any loss occasioned by fire, at any one time more than one per cent. of the amount insured in said company in addition to his deposite note, nor more than that amount for any such loss after his said note shall have been paid in and expended, but any member upon the payment of the whole of his deposite note, and surrendering his policy before any subsequent expenses or loss has occurred, may be discharged from said company: *Provided*, No policy shall be issued by said company, till application be made to such company for insurance, to the amount of ten thousand dollars at least, and no insurance shall be made by said company for a longer period than eight years.

Powers of insurance.

SEC. 11. The said company shall have power to make insurance upon vessels, freights, goods, wares, merchandise, specie, jewels, bank notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with ma-

rine risks, and the risks of transportation and inland navigation; also upon dwelling houses, stores and all kinds of buildings, household furniture, merchandise and all other property, against loss or damage by fire or storm, and re-insure the same; and also all or every insurance appertaining or connected with life or health insurance, and to cause themselves to be insured, when deemed expedient against any risk or risks, on which they may have or make insurance.

Location.

SEC. 12. The operations and business of the Outagamie Mutual Marine, Fire and Life Insurance Company, shall be carried on in the village of Appleton in this state, and this act shall take effect and be in force from and after its passage, and shall continue in force twenty-five years; but the legislature of this state may at any time alter, amend or modify its provisions.

General franchises.

SEC. 13. The corporation hereby constituted may have and use a common seal, may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts having competent jurisdiction of the subject matter in issue; in all manner of actions and causes whatsoever, in and by said corporate name, and the president and directors of said corporation shall have power to appoint all such officers, agents and servants, as they may find necessary, prescribe their duties and require bonds for the faithful performance thereof, and may from time to time adopt such by laws and regulations for the transaction of the business of said company as they may deem expedient; such by-laws and regulations, not to be inconsistent with the constitution and laws of the United States or of this state, and such by-laws and regulations shall be binding and have full force and effect upon the members of this corporation until repealed by a majority of the members of the same, or repealed, altered or amended by said board. A majority of the members of said board shall constitute a quorum for the transaction of any business required by this act.

Oath of office.

SEC. 14. The directors before they execute any of the duties of their office, except choosing a president, shall severally take an oath or affirmation that they will faithfully, dilligently, honestly and impartially discharge the duties of their respective offices according to the best of their skill and abilities.

SEC. 15. If any insurance shall subsist in said company and at or in any other office of insurance, or for any other

person or persons against any of the losses contemplated in this act, at the same time said insurance made by the company established under this act, shall be deemed and become absolutely void, unless such double insurance subsist with the consent and approbation of a majority of the board of directors of said corporation.

Public act.

SEC. 16. This act shall be deemed and is hereby declared to be a public act, and copies thereof published by order of the state government shall be authority and evidence in all courts of justice in this state.

Approved March 29, 1855.

Chapter 262.

An Act to incorporate the Milwaukee and Beloit Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Sewell Smith, A. O. Babcock, S. Andrews, A. E. Elmore, W. F. Harrison, J. D. Reymert, Jno. A. Perry, Elias Hibbard, Levi Lee, E. D. Baker, E. Cramer, S. G. Colley, L. G. Fisher, W. S. Rockwell, L. P. Harvey, J. D. Monell and Christopher Wiswell are hereby created a body corporate, by the name of the "Milwaukee and Beloit Railroad Company;" and by that name shall be and are hereby made capable in law to purchase, hold, enjoy, retain to them and their successors, lands, tenements and hereditaments, so far as may be necessary for the purpose of constructing a railroad hereinafter set forth, and the same to sell, grant, or in any manner dispose of, to contract or be contracted with, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended; and also to make, have and use a common seal, the same to alter, break or renew at their pleasure. And if one or more of the persons named in this section shall die, refuse or neglect to execute the powers and discharge the duties hereby created, it shall be the duty of the remaining persons hereinbefore named or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies so often as the same shall occur.

Title and general franchises.

SEC. 2. The said corporation are hereby authorized and empowered to construct and erect a railroad from the city of Milwaukee by the way of Prattsburg, Mukwanago, East Troy, and Elkhorn, or Delevan, in the county of Walworth, to Beloit, in the county of Rock. Route.

SEC. 3. The capital stock of said corporation shall be one million five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Capital.

SEC. 4. The above named persons or a majority of them, are hereby authorized to open books for receiving subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscription, which books shall be opened within one year from the passage of this act, at such place or places as they may deem expedient, by giving two weeks' notice in some newspapers published in the city of Milwaukee and in the county of Walworth, and in such other places as they may see fit, of the time and place of opening said books. Books to be opened.

SEC. 5. So soon as seventy-five thousand dollars or more of the capital stock of said corporation shall be subscribed, the above named corporators, or a majority of them, shall give notice to the stockholders, in such manner as they may determine, of a time and place for holding a meeting of the said stockholders, to choose directors for the said corporation; and the said stockholders may at such meeting proceed to elect nine directors from the said stockholders by ballot, each share of stock entitling the owner thereof to one vote; and the corporators mentioned in the first section of this act, or such of them as are present at the said meeting, shall be inspectors of such election, and shall certify in writing what persons are elected directors. and shall appoint the time and place of holding the first meeting of the board of directors, at which meeting a majority shall form a quorum, competent to transact the business of the said company; and thereafter an election of directors shall be held annually at such time and place as the stockholders shall at their first meeting determine, and if the said stockholders shall fail to appoint the time and place for said election, then the board of directors may fix the time and place of said meeting; and shall give thirty days' notice to the stockholders of such meeting, and in case no election is had on the day appointed, the directors last elected shall hold until an election has been held and others elected in their stead. Election of nine directors.

SEC. 6. The affairs of said corporation shall be managed Management.

by a board of not less than nine, and not more than fifteen directors, who shall be chosen annually by ballot, as hereinafter prescribed, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized; which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules and regulations not inconsistent with the constitution and laws of this state, as may be necessary for the well ordering of the affairs of said company.

Qualification. SEC. 7. None but stockholders shallbe elected directors, and at every election, and in all cases where stockholders shall be called upon to vote, each share of stock shall be entitled to one vote; and in all cases of elections of directors, the stockholders having the highest number of votes shall be declared elected.

Quorum. SEC. 8. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who in the absence of the president shall appoint a president pro tem. The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; and they shall have full powers to fix the compensation of all officers or agents, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installment so required at a reasonable period, not less than sixty days after the time by them appointed for the payment thereof; they shall have full powers to regulate tolls, to make such covenants and agreements with any person, co-partnership, or body politic whatsoever, as the construction and management of the works, and the convenience and interest of the company may require; and in general, to superintend and direct all the operations, receipts, disbursements and other proceedings of the company: *Provided*, That no installment called in at any one time shall exceed ten dollars per share, and that no installment shall be called for by the directors, without at least thirty days' notice thereof, in the newspapers hereinbefore named.

Proviso.

SEC. 9. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, and sealed with the common seal, subject, however, to all payments due or to become due thereon, which stock shall be transferrable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for in the by-laws of said company. Certificate.

SEC. 10. At each annual meeting of the stockholders, for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year, and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of such meeting; but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy. Statement of affairs.

SEC. 11. The said company shall have power to locate and construct a single or double track railroad from the city of Milwaukee, by the way of Prattsburgh, Mukwonago, East Troy and Elkhorn, or Delevan, in the county of Walworth, to Beloit, in the county of Rock, and shall have power to transport, take and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, construct, and erect all such side tracks, turnouts, and connecting tracks, and also such ware houses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of the company for the use of said railroad, and also to connect said railroad and operate the same with other railroads and branch railroads in the state of Wisconsin, and consolidate the capital stock of the said company with the capital stock of any railroad company, with which the roads of the said companies shall intersect, and shall have full power to place the road of the company and its capital stock so consolidated under the direction of a joint board of directors of not less than nine nor more than fifteen, to be chosen on such terms as the directors of the companies consolidating their capital stock shall agree upon. Power to locate.

SEC. 12. If said corporation shall not within three years

from the passage of this act, commence the construction of said railroad, then the rights privileges and powers of said corporation, under this act, shall be void.

May go upon lands for material.

SEC. 13. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of and use such lands, not exceeding one hundred and thirty feet in width, along the line of said route, subject, however to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereafter directed and provided in such cases respectively; and said company are further authorixed by their officers, engineers, agents and servants, to enter upon lands adjacent to the railroad beyond the limits of one hundred and thirty feet in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and for the business of said road and for the purpose of making drains and giving proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road; and to deposit earth, gravel and stone, taken from cuts, and to obtain earth, gravel, stone and other materials for embankments and structures necessary to the construction and repairs of said road; doing, however, no unnecessary damage; and all lands so acquired, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions hereinafter provided; and when such damage shall have been paid for or tendered, the title of the land occupied by such fixtures, excavations and embankments, shall vest in fee simple in said company.

Disputes, how settled.

SEC. 14. When the said corporation cannot agree with the owner or owners of such required land, for the purchase thereof, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then and in that case it shall be lawful for any judge of the supreme court of this

state, on application of the said company, and at cost and charge of said company, to appoint three disinterested persons residing in the counties through which the said road runs, whose duty it shall be to view and examine the lands so taken, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain or may have sustained by reason of the taking of the same for the construction and use of said road or works appertaining thereto, taking into consideration the advantages as well as disadvantages of the same, by means of the construction and operation of said road to said owner or owners; and it shall be the duty of the said company to give three weeks' notice of their application to the judge of the supreme court for the appointment of said commissioners, to be published for three successive weeks in a newspaper published at the capital of this state, and also in a newspaper published in each of the counties through which said road may be located, and the affidavit of the publisher or printer shall be legal evidence of such publication; and the persons so appointed before entering upon the discharge of such duties shall take, before some justice of the peace, or other person competent by law to administer oaths, faithfully and according to the best of their abilities to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained, or may sustain by reason of the taking and using thereof by the said company, over and above the benefits and advantages which such owner or owners shall derive from the construction of such railroad, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damage, if any, over and above the benefits and advantages which may accrue to such owner or owners as aforesaid; and shall make a report in writing of such valuation, under their hands and seals, to the circuit court of the county where the land lies, and shall return the same within thirty days after their appointment to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the said clerk to file the same; and in case no appraisal shall be made within thirty days after the filing of said report as hereinafter provided, then the said clerk shall record the same at the expense of

said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court; and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damage which the owner or owners thereof shall have sustained or may sustain by the taking of the same over and above the benefits which shall accrue to such owner or owners from the construction of such railroad, and judgment of court shall be entered accordingly: *Proviso.*

Provided, also, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her or their agents, or attorney, unless it shall be shown to them by competent testimony that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the state of Wisconsin; and if the said owner or owners shall be minors, or *non compos mentis*, or absent from the state, the service or notice may be made on the guardian or trustee, if there be any, or in such manner as the court may direct: *Proviso.*

Provided, That upon the making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her or their legal representatives, the said company, their agents, or the contractor for making or repairing said railroad, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

SEC. 15. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her or their legal representatives, the said company shall be entitled to easement of the same, so long as it shall be used for the track of said railroad, depot building, station houses and necessary fixtures; and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company

by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, That the cost of any proceeding, and judgments specified in the last preceding section shall be taxed by the court and paid by said company, except in cases where upon appeal the verdict of the jury shall be for the same or a less sum than that reported by the said commissioners. Proviso.

SEC. 16. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all places where such railroad may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passageway to enable all persons travelling such public road to pass over or under such railroad without inconvenience: *Provided*, That in cases where said railroad may cross, or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road, after altering and putting the same in as good condition as before, and for that purpose the said company shall previous to occupying any part of such road, construct a new road, in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interefered with, as substantially as it was previous to the disturbance and occupancy thereof, by said company. Roads to be undisturbed. Proviso.

SEC. 17. For the convenience of persons owning or possessing lands through which said road shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage way over or under said railroad whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts and implements of husbandry as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage way for each farm; and when any public road shall cross said railroad in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway. Proviso.

SEC. 18. This act shall be coustrued favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof published by authority of the state of Wisconsin, shall be received as evidence thereof. Public act.

Misdemeanor. SEC. 19. Any person who shall wilfully and maliciously place any obstruction upon the track of said road or remove or damage any part thereof in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the states prison for a term of not less than one nor more than five years, at the discretion of the court, and in case any damage shall result from the placing such obstructions, or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby, and in case any accident shall happen in consequence of placing such obstructions, or in consequence of the wilful and malicious breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such cases made and provided.

Murder.

May borrow money. SEC. 20. The said railroad company are hereby authorized and fully empowered in their corporate name and capacity to borrow any sum or sums of money from any person, corporation, or body politic of any kind, and for any rate of interest that may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, drafts, bonds, or other papers, and make, execute, and deliver such securities, in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usury in this state or any other state to the contrary notwithstanding; and the powers of said corporation for the purposes aforesaid and for all purposes necessary in carrying out the object of said company, and the contracts and official acts of said company are hereby declared binding in law and equity upon said corporation and all other parties to said contracts.

May purchase land. SEC. 21. This act shall be in force from and after its passage; and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad for the purpose of procuring earth, gravel, stone, or other materials for the construction and repair of said road, or buildings and fixtures connected therewith, and whenever such lands shall no longer be needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same.

SEC. 22. In case there shall be incumbrances upon the land taken as hereinbefore provided, it shall be sufficient for the said company to deposite the amount of damages assessed as herein provided, with the clerk of the circuit court of the county where the land lies, to be paid over by the said clerk to the owner of said land or his lawfully authorized agent, upon the removal of the said incumbrances.

SEC. 23. If the said company shall consolidate their capital stock with any other railroad company, the joint board of directors may adopt such name as they may see fit, or merge the name of either company into the name of the other, and said company so formed may adopt the charter of either company by resolution, and shall, after said adoption, have all the powers and exercise all the rights, privileges and franchises of the charter so adopted, and shall cause to be filed with the secretary of state, under the seal of said company, a certified copy of said resolution. May consolidate.

SEC. 24. The franchises, privileges and immunities hereby granted to said railroad company, shall be null and void in five years from and after the passage of this act, should said company fail to have ten miles of said railroad constructed and in actual operation within that time.

Approved March 29, 1855.

Chapter 263.

An Act to lay out and establish a state road from Fennimore, in Grant county, to Richland City, in Richland county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. D. R. Sylvester, James Moore and Philip House, are hereby appointed commissioners to view, lay out and establish, a state road from Fennimore Grove Point, in Grant county, thence diverging east along the military ridge, thence by Knowlton's Mill, down the Fennimore branch and Blue river vallies, to Muscoda, in said Commissioners.

county of Grant, and thence to Richland City, in Richland county.

SEC. 2. The said commissioners shall be entitled to receive such compensation for their services from the counties through which said road may run, as the boards of supervisors of the said counties may allow.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 264.

An Act to authorize the common council of the city of Milwaukee, to levy a special tax in the second ward for ward purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee are hereby authorized and empowered at the time of levying other city taxes for the year eighteen hundred and fifty-five, to levy a special tax upon all the taxable property in the second ward of said city, for ward purposes, not exceeding one per cent. in addition to the tax now authorized by law to be levied and collected in said ward for ward purposes; which special tax shall be collected at the same time and in the same manner as other city taxes, and all laws now in force in regard to levying and collecting taxes for ward purposes in the said second ward shall apply to the said special tax hereby provided for so far as the same are not inconsistent with the provisions of this act: *Provided*, That the provisions of this act shall not extend to or include lands in said second ward, used for farming purposes, this proviso being intended to exclude from the provisions of this act all property over which have been extended the provisions of section twenty-three, of chapter eight, of "an act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof," approved February 20th, 1852.

Proviso.

SEC. 2. The said tax when collected shall be used, applied and appropriated in the same manner and for the

same purposes as other taxes collected in said ward for ward purposes.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 265.

An Act to amend "an act to lay out a state road from Depere, in Brown county to Twin Rivers, in Manitowoc county," approved February 28, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Amend section one of the act to which this is amendatory, by striking out the word "Thomas" in the first line of said section, and insert Morris, so as to read Morris Casey in lieu of Thomas Casey. Amendment.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 266.

An Act to amend an act entitled an act "To amend an act to incorporate the Fort Winnebago, Baraboo Valley and Minnesota railroad company," approved February 2, 1854.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said act is hereby so amended as to allow said railroad company until the first day of September, A. D., 1860, to have in actual operation ten miles of said road. Amendment.

SEC. 2. All privileges and immunities granted to said railroad company by the original act of incorporation, or any act amendatory thereof, shall be null and void, unless

said railroad company shall comply with the first section of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 267.

An Act to provide for the laying out of a certain state road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners. Route.

SECTION 1. That Justin C. Pinney, J. W. Holden and Abel Rasdall, be and they are hereby appointed commissioners to lay out and establish a state road from Farwell's Mills, in the town of Madison, in Dane county, on the nearest and most practicable route, via. of Rasdall's Mill, in said county, to a point on the north line of said county, so as to intersect the road running from Eagle Point, in Dane county, to Wyocena, via. of Lowville, in Columbia county, where the same crosses the county line between said counties.

Compensation.

SEC. 2. The said commissioners shall receive such compensation for the time and services actually spent in laying out said road, as may be allowed by the county board of supervisors, of Dane county, and paid by said county, and no portion of the expense of laying out said road shall be in any manner paid out of the state treasury.

Claims for damage.

SEC. 3. All claims for damages, by reason of laying said road, shall be determined by the said commissioners in the same manner as by the supervisors of a town, in laying out a town road, and the claimant of damages may have the same right of appeal from their decision, as from the decision of the supervisors of a town in awarding damages for laying out a town road, and the proceedings under such appeal in the same manner as in an appeal from the decision of the supervisors of a town in awarding damages for laying out a town road.

How paid.

SEC. 4. All damages awarded to any person or persons by reason of laying out and locating said road, shall be paid by the town in which such damages are claimed.

SEC. 5. Said commissioners, before proceeding to lay out and locate said road shall be duly sworn to faithfully and impartially discharge their duties as such commissioners; and shall give notice of the time and place of their meeting, by causing notices thereof to be posted in three of the most public places in each town through which said road shall pass. Notice.

SEC. 6. Said commissioners shall cause an accurate survey of said road to be made under their direction, and shall cause the same, together with a record of their doings in laying out said road, to be recorded in the office of the clerk of the board of supervisors of Dane county, within twenty days after they shall have completed the same. Shall file papers.

SEC. 7. Said road when so laid out and the survey thereof recorded as aforesaid may be opened for public use immediately.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 268.

An Act authorizing the laying out of a state road from Reedsburgh, in Sauk county, to the village of La Crosse.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That D. M. West, Bela Rhoads and Julius Segar be, and are hereby appointed commissioners to lay out and open a state road from the village of Reedsburgh, in Sauk county, by the way of the Kickapoo and Leon mill, in Monroe county, to the village of La Crosse, in La Crosse county; and that said commissioners, or a majority of them, may, as soon as practicable, proceed to lay out and open said road on the most feasable route, and said commissioners shall receive such compensation for their services as the counties through which the said road shall pass may allow. Commissioners.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 269.

An Act to authorize the County of Pierce to aid in the construction of Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Route of road.

SECTION 1. For the purpose of aiding in the construction of the Mississippi and St. Croix Valley railroad commencing at Prairie du Chien, in the county of Crawford, and running to such point on Lake St. Croix, through the village of La Crosse, in La Crosse county, and the village of Presscott, in Pierce county, as shall be determined on by the board of directors, the board of supervisors of the county of Pierce are hereby authorized to loan the credit of said county to the said railroad in the sum not exceeding two hundred thousand dollars, and for that purpose the said board of supervisors are fully authorized and empowered to issue the bonds of said county, in such form and for such sum or sums as they may think proper: *Provided*, That the whole amount of such bonds shall not exceed in the aggregate the sum of two hundred thousand dollars.

Proviso.

How executed.

SEC. 2. The said bonds shall be executed by the chairman of the board of supervisors of said county, and countersigned by the clerk thereof under the seal of said county, and shall be redeemable in not less than ten nor more than twenty years from the date thereof; and shall bear interest at a rate not exceeding eight per cent. per annum, payable semi-annually, and payable in the city of New York or elsewhere as the board of supervisors shall direct.

Security required.

SEC. 3. Before the issue of any such bonds the said railroad company, entitled to receive the same, shall execute and deliver to the board of supervisors of said county, their successors and assigns, for the use and benefit of said county, a bond under the corporate seal of said railroad company duly executed in the penal sum of double the amount of the par value of the bonds of said county, delivered to said railroad company, conditional that the said company shall punctually pay and discharge the principal and interest due or to become due on any bonds issued to the said railroad company, and shall fully indemnify and save harmless, the said county against all payments, liabilities, losses, damages and expenses which the said county may

sustain or incur in consequence of the issue and delivery of any such bonds, and the board of supervisors of said county may before the delivery of any such bonds require such additional security from such railroad, for the faithful application of the proceeds of the said county bonds issued in aid of such company, upon the construction of said road, as in their opinion will be just and reasonable.

SEC. 4. No railroad bonds shall be issued to said company, until the issue of the same has been submitted to and approved of by a majority of the qualified electors, voting on the question in the manner provided by this act.

SEC. 5. For the payment of the principal and interest of any bonds issued by the said county, in pursuance of the provisions of this act, the faith of the said county of Pierce is hereby firmly and irrevocably pledged.

SEC. 6. No bonds shall be issued to said railroad company by virtue of the provisions of this act, until the question of issuing the same shall have been submitted to and approved of by a majority of the qualified electors of said county, voting on the question at such time in the towns of said county, at the usual place for holding elections in said towns as the board of supervisors of said county shall direct, of which public notice shall be given by publication in some newspaper having general circulation in said county for three weeks before the election, and by posting up five notices in the most public places in each town, for not less than twenty days nor more than thirty days, giving the time and place for holding such election. Those voting for the railroad loan, shall have writen or printed on their ballots the words "For the Railroad Loan;" those voting against, shall have written or printed on their ballot "Against the Railroad Loan." The manner of conducting said election shall be the same as for general elections, and the votes canvassed and returned the same as now provided for by law. Election.

Approved March 29, 1855.

Chapter 270.

An Act to amend an act entitled "an act to incorporate the town of Platteville."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Additional Powers.

SECTION 1. In addition to the powers heretofore granted to the "president and trustees of the village of Platteville," they shall have the power to restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance for the purposes of gaming for lucre and gain in said village, to restrain, prohibit, or license, billiard tables, ten-pin and other ball alleys, or the setting up or playing on the same, in said village; to restrain the running at large within said village of cattle, horses, swine, sheep and poultry, and to authorize the destraining and sale of the same; to prevent, restrain or license the running at large of dogs, and to authorise the destruction of the same; to restrain drunkenness and obscenity in the streets or public places in said village, and to provide for arresting, removing and punishing persons guilty thereof; to regulate, suppress or license hawkers and pedlars who travel from place to place to sell goods, wares and merchandise, within said village.

Approved March 29, 1855.

Chapter 271.

An Act to change the name of the west part of King street in the village of Madison, to State street.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Description.

SECTION 1. That part of King street, in the village of Madison, lying between the Capitol Square, and the University grounds, shall be hereafter known and designated as State street.

Approved March 29, 1855.

Chapter 272.

An Act to incorporate the Illinois and Wisconsin mining and manufacturing Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That J. R. Pease, Orville N. Adams, Henry King, H. C. Longecher and their associates, successors and assigns, be, and they are hereby created a body politic and corporate, by the name and style of the Illinois and Wisconsin mining and manufacturing company, and by that name shall have perpetual succession, and shall be competent to sue and be sued, in any court of equity or law whatever; to have and to use a common seal, and to alter the same at pleasure; to establish and change any by-laws for the government of said company; to purchase, hold and dispose of real estate, leases, mines, minerals and personal property of what kind soever; to mine, smelt, work, manufacture and vend said minerals and products thereof; to create, dispose of, and issue such number of shares of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company; to determine the par value of shares, and have the right to pay in stock of the corporation for such mining rights and interests in real estate, as it may be deemed necessary to purchase for the prudent operation of the works of the company, and generally to have, enjoy, and exercise all rights and privileges incident to corporations. Corporators' title.

SEC. 2. Whenever said company shall become possessed of mines or mineral leases situated in this state, it may establish a branch of said company for each separate mine or lease, which shall be designated as a branch of said company, but shall have no separate organization or franchises, and shall be in all respects a part of said company hereby organized which said company shall be liable for all debts and liabilities of any branch thereof. Branch.

SEC. 3. That this act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 273.

An Act to authorize Paul McDonald to construct a boom.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Location. SECTION 1. That Paul McDonald, his associates or assigns, are hereby authorized and empowered to construct, maintain and keep a boom upon the Oconto river, in the county of Oconto, on or in front of lots one, section thirty-three, town twenty-eight, range twenty east, or lots three, and four, of section thirty-four, in town twenty-eight, of range twenty east, and extending up through said river to such point, on the same side of the river, as may be necessary: *Provided*, That such boom shall be so constructed as not to obstruct the passage of boats, rafts or timber, down or through said river: And, *Provided*, That Paul McDonald, nor any other person or corporation, shall be allowed to construct, maintain or keep, any boom or booms, on or in front of any land of which he or they are not the owner or owners, without the consent of such owner, any law to the contrary notwithstanding.

Proviso.

Proviso.

SEC. 2. This act shall be in force from and after its passage.

Approved March 29, 1855.

Chapter 274.

An Act to provide for laying out a State Road from Montello to Steven's Point.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. A. B. Woodruff, Thomas H. McDillen and John R. Mitchell are hereby appointed commissioners to lay out and establish a state road from Montello, in Marquette county, to Steven's Point, in Portage county; *Provided*, That no part of the expense of laying said road be paid out of the state treasury.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 275.

An Act to amend an act to incorporate the Wisconsin Lumberman's Fire and Marine Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The stock and affairs of said company shall be managed and controlled by a board of fifteen directors, (instead of five as is now provided) to be chosen by the stockholders in the manner provided in said act for the election of directors; and the said company shall be established in the village of Madison or at such place as shall be determined from time to time by a majority of said directors, to be most for the interest and convenience of said company in the management of its affairs, and for the advantage of the persons doing business with the said company. A majority of the said directors shall be residents of this state; and the election of said directors shall be held at the village of Madison on the first Monday in July annually thereafter, at the office of the said company. Amendment.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 276.

An Act to authorize the erection of County Buildings in the County of Manitowoc.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Manitowoc, is hereby authorized and required to cause to be erected within two years from the first day of April, A. D. one thousand eight hundred and fifty-five, at the county seat of said county, and on that certain piece or parcel of land known as the "court house site," and further known and described as lots number one (1), ten (10), ele- Location.

ven (11), and twelve (12), in block numbered two hundred and seventy-three (273), lying and being in the first ward of the village of Manitowoc, and at an expense of not exceeding the sum of ten thousand dollars, including whatever sums may have been heretofore paid or expended in labor and material, a suitable and convenient county building, suitable for a court house, jail, and county offices:

Proviso. *Provided*, That the said board of supervisors shall have power to adopt or reject the plan and specifications, submitted by Francis Gostzler, and approved by the board of supervisors in A. D. one thousand eight hundred and fifty-three,

Proviso. *and provided further*, That the said board of supervisors shall have power to remove and reconstruct the foundation for said court house site, if, on a careful examination, the majority of said board shall be of the opinion that said foundation is imperfect and insufficient.

How to be paid for. SEC. 2. The said board of supervisors is hereby authorized to draw orders on the county treasury from time to time as the work progresses, to be paid out of any moneys in the treasury, accrued or accruing from a certain tax levied by authority of the board of supervisors in A. D. one thousand eight hundred and fifty-three, for the purpose of "erecting county buildings;" and the said treasurer is hereby authorized to pay said orders out of said fund and none other.

SEC. 3. This act shall take effect from and after the tenth day of April, A. D. one thousand eight hundred and fifty-five.

Approved March 29, 1855.

Chapter 277.

An Act to amend an act "entitled an act to incorporate the Southport and Beloit Road Company," approved March 6, 1848.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May abandon. SECTION 1. The board of directors of the Southport and Beloit road company, are hereby authorized and permitted to abandon the west part of their road, and to surren-

der to public use, such and any part of their said road, so abandoned, whenever the said board of directors shall elect so to do: *Provided*, The said company shall not be permitted to take toll for the use or travel upon that part of said road so surrendered as aforesaid, and said Southport and Beloit road company shall not be liable to keep such continuous part of said road in repair, nor in any way or manner be made liable for any damage or injury happening to any person or persons, animals or property travelling upon, or in use of such road after the said company by their board of directors shall have surrendered the use of any and such part of their said road to the public: *Provided*, That if the said company so abandon and surrender any portion of said road as herein provided, it shall be done in the following manner, viz: The said company shall first file a notice thereof, signed by its president and secretary in the office of the clerk of the board of supervisors of the county in which the road so intended to be abandoned and surrendered lies, which notice shall contain a particular description of that part of the road so intended to be abandoned and surrendered, and thereupon such part of the road in such notice described shall be abandoned by said company and surrendered to the town in which said abandoned and surrendered part of said road lies, and the town shall have the right to take and use the same if necessary for a public highway and all the liabilities and privileges incident to public highways in which the abandoned and surrendered part of the said road may lie, and shall be subject to be vacated, altered or changed, the same as other public highways or roads. Sec. 1 of this act shall not be so construed as to allow the Southport and Beloit road company to vacate detached portions of the road now in use. If the said company do abandon or surrender any part of their road now in use, they shall commence at the western terminus of the road, and from thence abandon any continuous portion of the road, said western portion being in the town of Salem, and county of Kenosha.

Proviso.

Proviso.

Manner of proceeding.

Vacate western part and no other.

SEC. 2. This act shall not be construed to take away from the Southport and Beloit road company, any of its rights acquired under the act incorporating said company, nor to prevent said company from having and holding all such part of their road not abandoned or surrendered as provided in section one of this act, and also its immunities, franchises and property acquired, or which they may

Retaining privileges of road is not abandoned.

acquire under the said act incorporating said company, nor shall this act interfere with the right of said company from taking and demanding toll for the use and travel upon the part of said road not abandoned or surrendered, as said company now have the right, under said act of incorporation and by the law of this state.

Must not remove plank or bridges.

SEC. 3. In authorizing the abandonment of the Southport and Beloit road company, of any part of their road, no part of this act is to be construed as to authorize the directors of said company to take up or remove the plank now in use on any portion of said road, nor to remove any of the timber or plank of any bridge forming a part of, or on a line of said road: and if the said company shall permit the bridges across the Des plain river, in the town of Bristol and Paris, and the bridge across the Fox river, in the town of Salem, to get out of repair, or may abandon said bridges; and the towns in which said bridges are situated, shall be compelled to assume any responsibilities in connection therewith, in the way of repairs or construction, then in that case said company shall not be permitted to collect any toll for the use of any part of their road within the limits of any of the towns before mentioned.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 278.

An Act authorizing the laying out of a State Road from Sparta, Monroe County, to Lisbon, Adams County.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Commissioners.

SECTION 1. That Henry Bush, Robert E. Gillett and Jeremiah Dammon be and are hereby appointed commissioners to lay out and open a state road from the village of Sparta, in Monroe county, to the village of Lisbon, in Adams county, on the most feasible route, as soon as practicable; and said commissioners shall receive such compensation for their services as the counties through which said road shall pass may allow.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 279.

An Act to establish a State Road from Manston to Billings' Ferry, in Adams County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That M. M. Maughs, Thomas Rich and John C. Webster be and are hereby appointed commissioners to lay out and establish a state road on the most practicable route from Manston, in Adams county, to Billings' Ferry, in Adams county. Commissioners.

SEC. 2. The commissioners shall be entitled to such compensation for their services as the supervisors of Adams county shall allow, and no part of the expense of laying said road shall be paid out of the state treasury. Compensation.

SEC. 3. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 280.

An Act to amend an act entitled "An Act to incorporate the City of Janesville," approved March 19, 1853.

The people of the state of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. Section three of chapter five of said act, is hereby amended so as to authorize the voting of special taxes for the purchase of market grounds and the erection Amendment.

of market buildings thereon, in the same manner as is provided in said section, for the purchase of fire engines, cemetery grounds and public squares.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 281.

An Act to amend an act to incorporate the Watertown, Hubbleville and Waterloo plank road company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section repealed.

SECTION 1. Section sixteen of said act, approved March fifth, eighteen hundred and fifty-one, is hereby repealed.

Tolls.

SEC. 2. Said company may erect toll gates and exact toll, not exceeding two and a half cents per mile for every vehicle, sled, sleigh or carriage drawn by not more than two animals, one and a quarter cents for every additional animal for every sled, sleigh or carraige drawn by one animal, one and a quarter cents per mile, and for every horse and rider or led animal, one and a quarter cents per mile; for every score of sheep or swine, one and a quarter cents per mile; for every score of neat cattle, five cents per mile.

SEC. 3. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 282.

An Act to incorporate the village of Horicon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that district of country included in section number six, in township number eleven, north of range number sixteen east, in the county of Dodge, except so much of the south west quarter of the south west quarter, of section six, as lies west of the highway leading from Horicon to Juneau, in said county,—and also fractional lots number one, two, five and seven, in section seven, of the same townspip and range, shall hereafter be known and distinguished by the name of the village of Horicon, and the inhabitants residing or who may hereafter reside within said limits, are hereby constituted a body corporate by the name of the president and trustees of the village of Horicon, and by that name they and their successors forever hereafter may have perpetual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places and in all suits whatsoever. Description and limits. Title.

SEC. 2. It shall be lawful for the inhabitants of said village, qualified to vote at any general election, to meet at the school house in said village, on the first Tuesday of May, eighteen hundred and fifty five, at two o'clock, P. M., and choose *viva voce*, two judges of election, and one clerk, who together shall form an election board, and then and there, said inhabitants shall elect by ballot, a president, (who shall be *ex officio* a trustee,) four trustees, one assessor, a clerk, a treasurer, (and one police justice,) and one constable, who shall respectively have all the powers of a justice of the peace, and a constable of the said county of Dodge, and shall qualify in like manner: *Provided*, That in case the officers aforesaid shall fail to be elected on the first Tuesday of May, eighteen hundred and fifty-five, then they may be elected at any time thereafter on a call signed by twelve electors of said village, and fourteen days notice thereof being given by said electors, by posting up three notices of the time of said election in said village. First election. Proviso.

Annual election.

SEC. 3. On the first Tuesday of May, in each year thereafter, there shall be an annual election of the officers of said village above specified, and the trustees shall give at least one weeks notice of the time and place of holding the same, and they, or any two of them shall preside at such election.

SEC. 4. No person shall be eligible to any of said offices unless he shall be a voter in said village.

Election, how conducted.

SEC. 5. At an election held under this act, the polls shall be opened at two o'clock, P. M., and continue open until four o'clock, P. M., and as much longer as the presiding board shall think necessary for the convenience of voters; a plurality of votes shall in all cases decide the election.

Term.

SEC. 6. All of said officers shall hold their offices until the first Tuesday of May next after their election and until others are elected and qualified in ther stead.

Vacancies.

SEC. 7. Vacancies in the office of president, or of any trustee, shall be filled at a special election to be called by the clerk by giving at least ten days notice thereof, and vacancies in all other offices by appointment by the trustees.

Oath.

SEC. 8. Every officer elected under this act before he enters upon the duties of his office, shall take and subscribe an oath faithfully to discharge the duties of his office and to support the constitution of the United States, and the constitution and laws of this state, and file the same with the clerk of said village.

Bond.

SEC. 9. Before entering upon the duties of his office the treasurer shall give bonds to the president and trustees, in such sum, with such conditions, and with such sureties as said trustees shall direct.

Duties of president.

SEC. 10. It shall be the duty of the president when present, to preside at all meetings of the trustees, at which meetings he shall have the right to vote—to see that all by-laws and ordinances are duly observed; and to prosecute all suits which may be necessary in the name of the corporation.

Duties of clerk.

SEC. 11. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws, ordinances and regulations, and also a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the re-

cords of proceedings of the board of trustees certified by him, under the corporate seal, shall be evidence in all courts of the contents of the same.

Duties of treasurer.

SEC. 12. The treasurer of said village shall receive all moneys which may be collected for the use of the corporation by virtue of this act or by virtue of any by-law or ordinance of the board of trustees, or which may arise from any other source and belong to the corporation, and he shall give his receipt therefor to the person paying the same: No money shall be drawn from the treasury except upon the order of the trustees, signed by the president and attested by the clerk, in which order shall be set forth for what purpose the same is to be paid: The treasurer shall keep a full and particular account of all moneys received and disbursed by him, with the time when, and the person paying or receiving the same, which account shall at all reasonable times be open to the inspection of the voters of said village. At the expiration of his term of office, he shall make a full report of the receipts and disbursements of the office to the regular meeting for charter election.

Powers of trustees.

SEC. 13. The trustees shall have the following powers, to wit: First, to have a common seal and to alter the same at pleasure: Second, to purchase, hold and convey any estate, real and personal, for the use of the corporation within the limits of the same: Third, to make, open, keep in repair, grade, improve, vacate and discontinue any streets, avenues, lanes, alleys, sewers, bridges, cross or side walks, in the manner hereafter prescribed, and to keep the same free from incumbrances, and to protect them from injury: Fourth, to organize fire companies and hook and ladder companies whenever a majority of the voters of said village at any legal meeting be in favor of such measures, to regulate their government and the times and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable fire buckets which are hereby declared to be appurtenances to the real estate and exempt from seizure and distress, and forced sale, and if the owner, after reasonable notice, neglects or refuses to procure such fire-buckets, the trustees may procure and deliver the same to him, and in default of payment thereof, may bring an action of debt against said owner, and be entitled to recover the value of such fire buckets so furnished with costs of suit: to regulate the storage of

gun-powder and other dangerous materials; to compel the inhabitants of said village to aid in the extinguishment of fires; to pull, break down and raze such buildings in the vicinity of fire, as shall be directed by any three of their members for the purpose of preventing its communication to other buildings; to construct and preserve reservoirs, and pumps, and wells, and generally to establish such other measures of prudence for the prevention or extinguishment of fires as they shall deem proper: Fifth, to clear out and remove vegetable matter and nuisanses from the outlets and other waters in said village, and prevent their accumulation in said waters, and generally to take such other measures for the public health and convenience as they shall deem proper: Sixth, to purchase, hold, enclose, lay out, ornament and regulate a burial ground in said village, and to sell lots therein, and to regulate the burial of the dead: Seventh, to establish and regulate a public scale and appoint or cause to be elected a weigher to attend the same: Eighth, to call all regular and special meetings of the voters of said village not otherwise provided for in this act: Ninth, to prescribe the compensation of all officers of the corporation except their own: Tenth, upon the application in writing of two-thirds of the owners or residents of the lots on any street to lay and collect a special tax on the lots on such street, in just proportion for the purpose of grading, making walks in, or otherwise improving such street, and upon a similar application of residents or owners of one side of any block, to lay and collect a special tax on such block in just proportion for the purpose of making a cross-walk, or a side walk along the same, and upon the application in writing of all the owners of lots fronting any street, lane, alley, avenue or way, may be vacated and discontinued: *Provided*, The trustees think the public convenience will not thereby be infringed; and upon a similar application of all the owners of lots through which a new street, lane, alley, avenue or way is proposed to be opened, the trustees may cause such new street, lane, avenue, alley or way to be opened: *Provided*, That any expense for such opening shall be defrayed by the persons making such application: Eleventh, to make, pass, ordain, and establish, such by-laws, ordinances and regulations, not repugnant to the constitution and laws of this state or of the United States, for the purpose of carrying into effect the provisions of this act as they deem proper; but no such by-laws, ordinances or regulations

Proviso.

shall take effect until the same shall have been published for three weeks successively, or three copies thereof have been posted up in as many public places in said village, and for the length of time aforesaid, at or before the expiration of which three weeks, if any fifteen freeholders of said village, in writing, ask the trustees to call a special meeting of the voters of said village to consider such by-law, ordinance or regulation, the trustees shall cause such special meeting, and if a majority of the voters then present at such special meeting shall decide against the adoption of such by-law, ordinance or regulation, then the same shall not be in force, but if a majority do so decide then the same shall be in force: Twelfth, to repeal or amend any by-law, ordinance or regulation and subject the same to restrictions or limitations as contained in the eleventh clause of this section: Thirteenth, to impose a general poll tax upon every male resident of said village above the age of twenty-one years, and under the age of fifty-five years, of two days labor, or in lieu thereof one dollar and fifty cents, to be appropriated in improving the roads and streets of said village under the direction of such persons as they may appoint: *Provided, however*, That such poll tax shall not be imposed without the previous consent of a majority of the persons subject to pay such poll tax present at some regular or special meeting. Proviso.

SEC. 14. The said trustees may ordain and provide such reasonable fines, forfeitures and penalties upon the offenders against the by laws, regulations and ordinances of said village, as they shall deem proper, not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, in the name of the corporation, to and for the use of the corporation; and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture and to give the special matter in evidence; and the defendant may plead the general issue and give the special matter in evidence; all expenses incurred in prosecuting for the recovery of any penalty or forfeiture, shall be defrayed by the corporation, and all penalties and forfeitures when collected, shall be paid to the treasurer for the use of the village. Fines.

SEC. 15. The affidavit of the printer of the publication of any by laws or ordinances, or the affidavit or oath of the clerk of the corporation, of the posting up of notices, by-laws or ordinances as required by this act, shall be suffi- Proof of ordinances, &c.

cient proof in all courts and elsewhere that such notices, by-laws or ordinances were properly published or posted up.

Quorum. SEC. 16. Any three of said trustees shall be a quorum for the transaction of business, but no by-law, ordinance or regulation shall pass unless three of said trustees concur therein.

SEC. 17. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant or freeholder in said village, in any action or proceeding in which said village is a party, or interested.

SEC. 18. Every inhabitant of said village, belonging to any fire company, or hook and ladder company therein, shall be exempt from serving on juries, and from doing military duty, except in case of war, invasion or insurrection.

Taxes, how raised. SEC. 19. It shall be lawful on the first Tuesday in May, instant, and thereafter at the regular annual village meeting, for all voters who own taxable property in said village to decide how much and for what purpose revenue shall be raised, but in no case shall the revenue voted to be raised in one year exceed the rate of one dollar on every one hundred dollars of the assessed value of all property, subject to taxation.

Exempt from taxes. SEC. 20. The following property shall not be taxed by virtue of any law or ordinance adopted by the authority of said village, to wit: The property of the United States, of this state, of Dodge county, of said village, of all incorporate, literary, benevolent, charitable and scientific institutions, every public library, school house, house of public worship, academy, and seminary of learning, and the lots on which such buildings are situated, and all property which is, or shall be by law, exempt from taxes for state and county purposes.

Subject to taxes. SEC. 21. All property real and personal within the limits of said village, not exempted above shall be subject to taxation; personal property shall be construed to include all goods, chattels, moneys and effects, all stocks in any monied corporation, and the debts due from solvent debtors, over and above the amount of debts owed by the owner of personal property above specified.

Duties of assessor. SEC. 22. It shall be the duty of the assessors on or before the first Tuesday of August next, and thereafter on or before the last Tuesday of March of each year, to make out an assessment roll, in which they shall set down the names

of all taxable inhabitants of said village, and the names so far as they can be ascertained of non-residents, who shall own real estate therein; and the description, quality and value of all the property subject to taxation in said village, and then to give one week's notice of the time and place at which they will meet to equalize and correct said assessment roll; at which time and place they shall proceed in the same manner as town assessors, in like cases, are now required to do; and may require the like affidavit of any person conceiving himself aggrieved by the assessment, and for that purpose either of said assessors shall have power to administer an oath, and the said assessors shall cause all such affidavits to be filed in the office of the clerk of said village; when said assessment roll shall have been completed it shall be certified by at least two of the assessors, as a true assessment roll of all the property subject to taxation in said village, and immediately deposited with the clerk of said village.

Duty of clerk.

SEC. 23. It shall be the duty of the clerk, after the assessment roll is placed in his hands, and as soon as the amount of tax to be levied, or the rate per cent. shall be determined in accordance with the provisions of this act, to complete said assessment roll by annexing to each lot, or other kind of property, the amount of tax which shall be chargeable on the same, agreeably to the assessment as returned, and the amount or rate per cent. determined so as aforesaid; which schedule shall be called a tax list, and shall be recorded by the clerk in a book by him kept for that purpose.

Same.

SEC. 24. The clerk shall complete the tax list as aforesaid, and deliver the same to the village treasurer within one month from the time when the amount of tax shall be determined, and shall note the time of such delivery in the book where such list shall be recorded, which record shall be conclusive evidence of such delivery; and the tax so assessed shall be and continue a lien on the property in the hands or possession of any resident of said corporation so assessed and taxed, from and after the day of the delivery of the tax list into the hands of the treasurer as aforesaid until such tax shall be paid, together with all costs, which may accrue thereon under the provisions of this act.

Treasurer's duty.

SEC. 25. Upon the receipt of the tax list, as aforesaid, it shall be the duty of the treasurer immediately to give notice in a newspaper printed in said village, or by posting up notices in three public places in said village, that such

tax list has been committed to him for the purpose of collecting the tax thereon; and that he will receive the taxes at his office for one month thereafter next ensuing, subject to a deduction of five per centum if paid within said month.

SEC. 26. If the taxes are not paid to the treasurer on or before the expiration of said month he may proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving six days' notice of the time and place of such sale by written or printed notices posted up in three public places in said village.

May sell real estate for taxes.

SEC. 27. In case the tax on any lot or other piece of land shall remain unpaid for six weeks after the tax list shall have been placed in the hands of the treasurer so as aforesaid, and there are no goods or chattels subject to be taken of the person charged therewith, to be found in said village, it shall be the duty of the treasurer to give notice for four weeks successively, in a newspaper printed in said village, and by posting up notices in three public places in said village that all lots and other pieces of land upon which the taxes have not been paid, will be sold by him at a certain time and place, to be therein mentioned, for the purpose of paying the taxes assessed thereon, together with all costs and charges which shall accrue by advertisement and sale, agreeably to the provisions of this act; when requested the treasurer shall receive the taxes on a part of any tract or lot of land.

Manner of sale.

SEC. 28. On the day mentioned in the said notice the treasurer shall commence the sale of the said lots and lands, and shall continue the same from day to day, between the hours of nine o'clock A. M. and four o'clock P. M., until so much shall have been sold as will pay the taxes, interest and charges thereon; the treasurer shall give to the purchaser or purchasers of any such lots or lands, or parts thereof, a certificate describing such lots or lands or parts thereof purchased, stating the sum paid therefor, including charges, and fees, and the time when the purchaser will be entitled to a deed for the same; said certificate shall be negotiable by endorsement.

Record.

SEC. 29. The treasurer shall keep a record of all such lots or lands, or parts thereof so sold, in the same manner as clerk of the board of supervisors are now required to do; said record to be open to inspection to all persons free of charge.

Redemption.

SEC. 30. For two years after such sale of lots and lands,

and at any time before the recording of the conveyance provided for in section thirty-two; any person having an interest in the same may redeem any lot or tract of land so sold by paying to the treasurer for the use of the purchaser, his heirs or assigns the sum mentioned in such certificate, together with interest at the rate of twenty-five per centum from the date of such certificate; and also by paying the treasurer any further charge which shall have accrued thereon.

Publishing sale.

SEC. 31. Three months before the expiration of the time of redemption aforesaid, the treasurer shall publish in the manner mentioned in the twenty-seventh section of this act, an advertisement describing each lot and tract of land remaining unredeemed, with the sums due thereon, and the day on which the same will be forfeited, unless the said sums shall be paid.

Deeds.

SEC. 32. At the expiration of the said two years, the treasurer shall upon demand, execute in the name of the village of Horicon, to the purchaser, his heirs or assigns, a conveyance of the lots or lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple of the lots or lands so conveyed, and shall be presumptive evidence that the sale was regular according to the provisions of this act; every such conveyance executed by the treasurer under his hand and seal in the name and in behalf of the village of Horicon, and the execution thereof witnessed and acknowledged as by law in other cases provided, and duly recorded may be given in evidence in the same manner and with like effect as any other deed regularly acknowledged, witnessed and recorded.

Village may bid in such real estate,

SEC. 33. The trustees of said village may appoint an agent to attend any sale of lands under this act, and bid off the same in the name of the village; the certificates so bid off may be transferred by the president of said village, endorsing his name thereon as such president; but in no case shall the certificates so bid off for said village be sold for less than their face, and the interest due on them; all deeds of purchase, grant, devise, or otherwise, shall run to the president and trustees of the village of Horicon, and their successors.

SEC. 34. If any person who shall purchase any lot or piece of land, in pursuance of this act, shall pay any tax subsequent to such purchase of such lot or piece of land, the person who shall redeem such lot or piece of land, shall

pay the amount of such tax with interest at the rate of twenty-five per centum per annum for the benefit of such purchaser.

Printer's fees. SEC. 35. For publishing all notices, by laws, ordinances, and regulations, the trustees shall allow the printer such reasonable sum as they may deem proper.

Election district. SEC. 36. Said village shall constitute an election district at all general and special elections, and the president and two of the trustees thereof shall constitute the board of election, and who shall appoint two clerks of said election; all of whom shall qualify and make the returns of any such election, as is required by law in other cases.

Roads. SEC. 37. The said village shall constitute one or more road districts, under the exclusive control of the trustees thereof, who shall be ex-officio road commissioners of said village, shall appoint one or more overseers of highways, and possess the powers of such commissioners as now provided by law, and all taxes for highway purposes, when unpaid shall be returned and collected in like manner as other taxes hereinbefore provided for.

SEC. 38. The legislature may at any time amend or repeal this act.

Approved March 29, 1855.

Chapter 283.

An Act to incorporate the Jefferson County Home Mutual Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. John E. Holmes, D. F. Weymonth, N. C Hurlbut, Alonzo Wing, Asa F. Snell, Z. B. Caswell, D. I. White, Benjamin Nute, George Hibbard and their associates, and all such persons as shall have property insured by the said Company, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in name, by the name of "The Jefferson County Home Mutual Insurance Company."

SEC. 2. Said Corporation hereby created shall have

power and authority to make contracts of insurance with any person or persons or any body corporate or politic against losses by fire of any houses, stores or other buildings whatsoever, or of any goods, chattels or personal estate whatsoever, for such term or terms of time, and for such premium or such consideration, and under such modifications and restrictions as may be agreed upon between the said corporation and the person or persons agreeing with them for such insurance.

Members.

SEC. 3. Every person who shall at any time become interested in said Company by insuring therein, and also his heirs, executors, administrators and assigns, continuing to be insured therein as hereafter mentioned, shall be deemed and taken to be members thereof for and during the terms specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this act, and the property and concerns of said corporation shall be managed and conducted by a board of nine directors, and that John E. Holmes, N. C. Hurlbut, Alonzo Wing, A. H. Van Norstrand, Winslow Blake, W. D. Hillyer, Jas. Barr, E. D. Masters and Chas. Stoppenbach shall be the first directors of said corporation, and shall continue in office until the first day of January 1856, and until others shall be choosen and no longer. The directors shall be elected on the 1st Monday in January in each year at such hour of the day, at the Village of Jefferson in the County of Jefferson and State of Wisconsin, as the board of directors for the time being shall appoint, of which election public notice shall be given in one or more of the public newspapers printed in said County of Jefferson at least thirty days preceding such election. Such election shall be holden under the inspection of three members not being directors to be appointed previous to every election by the board of directors, and such election shall be made by ballot and by a plurality of the votes of the members then present or their proxies, allowing one vote for every hundred dollars each member shall have insured in said company, and every member may vote in person or by proxy at his pleasure at any election of directors for said company, and his membership shall be ascertained by the records and entries at the office of the secretary of said company and no oath shall be administered to any member offering to vote in person or require to be attached to his appointment when offering to vote by proxy.

First directors.

Election.

Officers.

SEC. 4. The directors herein before named shall as soon as may be after the passage of this act, and the directors to be chosen at such annual elections shall as soon as may be thereafter, proceed to choose out of their body one person to be President; and in case of the death, resignation or inability to serve of the President, or any director of said corporation, such vacancy may be filled for the remainder of the year by the board of directors; and in case of the absence of the President, the board of directors shall have power to appoint a president pro tem, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

SEC. 5. If it shall at any time happen that an election of directors shall not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

Policies binding.

SEC. 6 The policies of insurance and other contracts founded thereon hereafter to be made or entered into by said corporation, though not under seal, if subscribed by the President or in case of his absence, resignation or inability to act, by such officer or officers, or person or persons as may be for that purpose authorized by the act of incorporation or by-laws of said corporation and countersigned by the secretary shall be binding and obligatory upon the said corporation, and shall have the like force and effect to all intents and purposes as if the seal of said corporation had been or was affixed thereto. And further all such policies or contracts may be so signed and attested, and all other business of said corporation may be conducted and carried on by committees or otherwise, without the presence of a board of directors and shall be binding and obligatory on said corporation, if the same be done under or in conformity to the by-laws and ordinances of said corporation.

Policies assignable.

SEC. 7. In case any person or persons insured, named in any policy or contract of insurance made by said corporation hereby created, shall sell or convey or assign the property insured, during the time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers such policy or contract of insurance, and such assignees shall have all

the benefit of such policy or contract of insurance and may bring and maintain a suit thereon in his, her or their own names: *Provided*, that before any loss happens he, she or they shall obtain the consent in writing of said corporation to such assignment, and have the same endorsed or annexed to the said policy of insurance. Proviso.

SEC. 8. It shall and may be lawful for said corporation to take and hold any real estate bona fide mortgaged to the said corporation by way of security for the payment of any debts which may be contracted with the said corporation and to proceed on the said mortgaged securities for the recovery of the moneys thereby secured either in law or equity in the same manner as any other mortgagee is or shall be authorized to do, and also to purchase on sale made by virtue of any proceeding at law or any order or decree of any court of equity or any other legal proceedings, or otherwise receive and take any real estate in payment of or towards the satisfaction of any debt previously contracted and due to the said corporation and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property. Real estate.

SEC. 9. The said directors and such others as may be chosen by the said corporation shall be indemnified and saved harmless by the members of said corporation in proportion to the amount of property that each and every member may have insured, at and after the rates of insurance of such property, by the said corporation, in and for their giving out and signing policies of insurance and other lawful acts, deeds or transactions, done and performed in pursuance of this act, and neither of said directors shall be answerable for or charged with the faults, neglects or misdeeds of others of them. Indemnity.

SEC. 10. Whenever any assessment is made on any premium note given to the said company for any hazard taken by said company, or as consideration for any insurance issued or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company, specifying such assessment and the amount due to said company on such note by means thereof, shall be taken and received as prima facie evidence thereof in all courts or places whatsoever. Assessments.

SEC. 11. Any person who as secretary, deputy secretary or clerk of said company shall be guilty of any designed Misdemeanors.

falsehood or fraud in the certificate authorized by the 11th section of this act shall be guilty of a misdemeanor any person who shall personate or falsely affix thename; of said secretary, deputy or clerk to any such certificate, shall be guilty of a misdemeanor; any person to vote in person at any election of directors of said company, who shall falsely personate another, shall be guilty of a misdemeanor; and any person who shall falsely sign or affix the name of any person or member of this company to an appointment of a proxy, shall be guilty of a misdemeanor.

Penalty. SEC. 12. Any person convicted of a misdemeanor for any offence under this act, shall be sentenced to imprisonment in the county jail for a term not exceeding six months, or to pay a fine not exceeding fifty dollars, or to both, such fine and imprisonment, at the discretion of the court before whom he or she may be convicted.

Powers of directors. SEC. 13. The President and directors of said corporation shall have power to appoint such officers and agents as they may find necessary, prescribe their duties and require bonds for the faithful performance thereof, and may from time to time adopt such by-laws and regulations for the business of said company as they may deem expedient —such by-laws and regulations not to be inconsistent with the constitution and laws of the United States or of this state; and such by laws shall determine as near as practicable the rates of insurance on the different classes of property and the sums to be deposited for any insurance.

Oath. SEC. 14. The directors, before they execute any of the duties of their office, except choosing President, shall severally take an oath on affirmation that they will faithfully, diligently, honestly, and impartially perform the duties of their respective offices according to the best of their abilities, and the President of said company is hereby authorised to administer any oath or affirmation required by this charter.

Location. SEC. 15. The operations and business of the Jefferson County Home Mutual Insurance Company shall be carried on in the village of Jefferson, in the county of Jefferson and State of Wisconsin, and this act shall take effect from and after its passage. The Legislature of this state may at any time alter, modify or repeal this act.

Approved March 29, 1855.

Chapter 284.

An Act to authorize the common council of the city of Milwaukee to levy a special tax on the taxable property of the fifth ward of said city, for ward purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee may at any time of levying other city taxes for the year eighteen hundred and fifty-five, increase the amount to be raised for ward purposes, in and for the fifth ward of the city of Milwaukee. Such increased amount shall not exceed eight mills on the dollar upon all the taxable property in said ward, such tax to be collected at the same time and in the same manner that other city taxes are collected. Council may levy tax.

SEC. 2. This act shall be in full force from and after its passage.

Approved March 29, 1855.

Chapter 285.

An Act to amend an act to provide for laying out a state road from Steven's Point, in Portage county, to Black river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Albert G. Ellis, Andrew Warren, jr., or Orrin Maybee, the commissioners appointed to lay out and establish said road, are hereby authorized to substitute other parties in their stead as said commissioners. Commissioners.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 286.

An Act to authorize the city of Racine to dispose of their plank road stock

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the city council, of the city of Racine, be, and they are hereby authorized to sell at public or private sale, any or all of the stock now owned by said city in any or all of the plank roads leading out of said city.

SEC. 2. That all laws and parts of laws inconsistent with the power granted, in the first section of this act be, and the same are hereby repealed.

Approved March 29, 1855.

Chapter 287.

An Act to amend an act entitled "an act to authorize certain towns to subscribe stock in the Milwaukee and Fond du Lac plank road company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors powers.

SECTION 1. The supervisors of each town before they shall take stock and issue bonds under said act, shall have the power and authority to enter into any agreement they may deem most advantageous and beneficial to said town, which agreement shall be reduced to writing and signed and sealed by the proper contracting parties, and said agreement so entered into as aforesaid, shall be immediately filed in the town clerk's office of such town, there to be preserved and kept among the papers in said office relating to said road.

Same.

SEC. 2. In case the supervisors of such town shall be unable to make and enter into a satisfactory agreement with said plank road company, as provided by section one, of this act, they shall have the power and authority, and be at liberty to refuse to issue the bonds, and take stock under

said act, the vote of the said town to the contrary notwithstanding.

SEC. 3. All acts and parts of acts contrary to the provisions of this act, are hereby repealed.

Approved March 29, 1855.

Chapter 288.

An Act to authorize C. D. Gordon to erect a Dam across the outlet of Mullet Lake.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Cyrus D. Gordon, his associates, successors, heirs and assigns, are hereby authorized to erect and maintain a dam across Mullet river, at, or as near as convenient, to the outlet of Mullet Lake, in Fond du Lac county, of sufficient height to raise the water of said lake four feet above its present ordinary level, and make use of the water of said lake for hydraulic or other purposes. Location.

SEC. 2. In the event that such dam shall cause the water to flow back on any lands not owned by said C. D. Gordon, his associates, successors, heirs, and assigns, which flowing is hereby authorized, then he or they shall pay to the owner or owners thereof such sum as such land shall be reasonably worth, irrespective of any enhancement of the value thereof, by reason of the erection of said dam, such value to be ascertained by the verdict of a jury in an action of trespass (and by no other mode), to be by such owner or owners brought in any court of record within said county of Fond du Lac.

SEC. 3. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 289.

An Act to provide for the setting out of uniform rows of shade trees, and for the protection of the same in the village of Madison, and for other purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May cause owners of lots to set trees.

SECTION 1. The president and trustees of the village of Madison, are hereby authorized and empowered, on giving three week's notice in some newspaper printed in said village, at the proper season, to require the owners of lots bordering on all such streets, avenues and alleys, within the corporate limits of said village, as they may deem proper to set out, or cause to be set out, and properly protected and cultivated, when not already done to their acceptance, and by a time to be fixed in said notice, shade or ornamental trees of kinds or varieties to be selected by said trustees, along said lots, upon the outer line established for side walks, as provided by ordinance, and to the acceptance of said board.

In case of neglect.

SEC. 2. In case of neglect or default of the owner or owners of any lot, to set out, or cause to be set out, said shade or ornamental trees, as provided by section one of this act, by the time specified in said notice, said trustees are hereby authorized and empowered to contract for, procure, and cause to be set out along said lot or lots, such shade or ornamental trees as they may select, and to provide for the protection, cultivation and improvement of the same, so as to ensure their growth and permanency, and to levy a special assessment, at any time on all such lots, to pay the expenses of the same, which assessment shall be a lien thereon until paid: *Provided*, That the first cost of procuring, setting out, and cultivation of said shade or ornamental trees, shall not exceed the sum of fifty cents each:

Proviso.

Proviso.

And, *Provided further*, That the tax levied and chargeable in any one year for the cultivation and improvement of said trees, shall not exceed the sum of ten cents each.

SEC. 3. The president and trustees may provide by ordinance for the protection of such shade or ornamental trees, and to punish any wilful or malicious injury to the same, by a fine not exceeding fifty dollars, or imprisonment not exceeding three months, or both in the discretion of the court, in the same manner as now provided by law for

punishing offences against the charter and ordinances of said corporation.

Care of trees. SEC. 4. All shade and ornamental trees now growing, or hereafter set out upon the line of any street, as aforesaid, shall be under the general care and supervision of the trustees. They may cause all dead or worthless trees to be removed, and their places supplied by living ones, and may, whenever they deem it necessary, give notice by any officer of said village, to any owner or occupant of any such lot, to manure, cultivate or protect, any tree, or trees, along the line of their premises, and on their neglect or refusal to comply with the same, for a period of one week after such notice, may cause the same to be done, and collect the expense thereof, by suit in the name of the corporation, before any justice of the peace of said village. All shade trees set out by any person or persons, or by the board of trustees shall, as far as possible, be of uniform size and age, and the cultivation and improvement of the same, shall be so conducted as to secure uniformity and equal growth as far as may be. The trees set out and cultivated according to the provisions of this act, or otherwise, and all ditches dug and excavated for the purpose of draining the grounds in or about any lot or lots shall, in all cases, and between all parties, be deemed in law and treated as permanent fixtures, and improvements upon the lots contiguous or opposite thereto, on the same side of the street or alley, and shall be a lien thereon, to be paid by the owner or owners of the same.

May clean streets, &c. SEC. 5. The president and trustees of said village are hereby authorized and empowered to provide by ordinance for the more thorough and efficient cleaning of streets, avenues, side-walks, gutters, drains, and cross-walks, within the same, and they may punish by fine, not exceeding twenty dollars for the placing of obstructions in or upon the same, or for a neglect or refusal of any person causing such obstruction, to remove the same within reasonable time, after notice for that purpose given by any trustee, or the marshall or any of his associates. They may, by a vote of two-thirds, at any regular or special meeting, remove any officer for incompetency, default, neglect of duty, or gross or immoral habits, operating to the detriment of the public interests, and may fill any vacancy thus created. They may, in their discretion, enter into contract with any person or corporation, to rent, or for a supply of water for fire purposes, cleanliness, com-

fort, and public convenience, and may enter into contract, or unite with the proper officers of the town of Madison, for the improvement of the several highways leading into the village, and appropriate money in aid of such works as may be deemed of mutual public benefit.

Dogs. SEC. 6. The president and trustees are hereby further authorized and empowered to provide, by ordinance, for restraining dogs from running at large, under adequate penalties, and for killing and destroying any dog found at large, in violation of the provisions of said ordinance.

Approved March 29, 1855.

Chapter 290.

An Act to amend an act entitled an act to provide for the election of a Sheriff and District Attorney, in the County of Washington, approved March 6, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. The act to which this act is amendatory is hereby amended by inserting the words "Clerk of the Court and Coronor" after the words "District Attorney," whenever it occurs in said section.

Same. SEC. 2. Whenever the word "April" occurs in said act, the same shall be stricken out, and the word "May" inserted so that the election therein referred to shall be held on the first Tuesday of May next instead of the first Tuesday in April as provided in said act.

SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 291.

An Act to authorize School District No. Two, in the Town of Beloit to raise a special tax.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. School District No. two (2), in the town of Beloit, Rock county, may at its next annual meeting raise the sum of six thousand dollars, to be collected as is now provided by law; said money when collected to be used for the purpose of paying for building a school house in said district. Amount and manner.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 292.

An Act to incorporate the Jefferson Institute.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. William W. Reed, A. H. Van Norstrand, O. O. Merriman, Charles T. Clothier, Ira W. Bird, Albert G. Lock, John Wheeler, A. T. Colburn, W. R. Brown, J. G. Brown and A. Ferris, and such other persons as may become associated with them for the purposes mentioned in this act, and their successors, are hereby created a body corporate and politic by the name of the "Jefferson Institute," and by that name to remain in perpetual succession, for the purpose of establishing and sustaining at Jefferson a reading room and library, and providing for and instituting literary lectures and other means of moral and literary improvements with power for such purposes to take, by purchase, devise or otherwise, and to hold, transfer and convey real and personal property, to the value of seventy thousand dollars, and also further to take, hold and convey such books, cabinet, library furniture and Corporators. Title.

apparatus as may be necessary for attaining the objects and designs, and carrying into effect all the purposes of said corporation.

Powers. SEC. 2. Such corporation shall have power to adopt such constitution and by-laws as they may deem proper and make such rules and regulations from time to time as may be necessary to carry into effect the provisions of the first section of this act; and the estate, property and funds of said corporation shall be held and devoted solely for the purposes and objects mentioned in said section.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 293.

An Act to establish a State Road on the Range Line between Ranges 21 and 22.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Route. SEC. 1. A State Road is hereby established, commencing at a point on the Road leading from Monitowoc to Menasha, where the range line between ranges twenty one and twenty two, east, intersects said road, running thence north along said range line, to the road leading from Manitowoc to Green Bay.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 294.

An Act to review and locate a portion of a State Road leading from Cottage Inn, La Fayette County, to Platteville, in Grant County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SEC. 1. That Abner Westrope, David W. Jones and Oliver Houlshouser, be and are hereby appointed Commissioners to review and locate that part of a State Road leading from Cottage Inn in the County of La Fayette to Platteville in Grant County, which is situated on section thirty-six, town four, range one, east of the fourth principal meridian, and the west half of north-west quarter of section thirty one, town four, range two, east. Commissioners. Route.

SEC. 2. The said Commissioners shall take and subscribe an oath to perform the duty enjoined on them by this act and shall then proceed to review and locate said road as mentioned in the preceding section, and within thirty days thereafter file a plat thereof in the office of the Clerk of the Board of Supervisors of the County of La Fayette. *Provided*, that no part of the expense of said review and location shall be paid out of the State or County Treasury. Oath. Proviso.

SEC. 3. This act shall be published immediately, and shall take effect from and after such publication.

Approved March 29, 1855.

Chapter 295.

An Act to incorporate the Rochester Seminary and Collegiate Institute.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECT. 1. That Richard E. Ela, Levi Godfrey, Robert Adams, James G. Mugoffin and their associates together with such persons as may hereafter be associated with them, be and are hereby created a body corporate or politic, with perpetual succession under the name and title of the Rochester Seminary and Collegiate Institute, by which name they and their successors shall be known, Corporators. Title.

and shall have power to sue and be sued to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity, under said title; said corporation shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal for the use and benefit of the corporation hereby created, and shall have power to sell and convey the same or to rent or in any manner lawfully dispose of the same at pleasure: *Provided*, the amount of real estate, that the said corporation may hold at any one time, shall not exceed twenty-five thousand dollars.

Proviso.

Shares.

SEC. 2. The capital stock of said corporation shall be be divided into shares of seventy dollars each, which shall be deemed personal property, and shall be transferrable on the books of the company in such manner as shall be directed by the by-laws of the corporation.

Subscription books.

SEC. 3. Any three of the persons named in section one of this act shall have power or under their direction books may be opened for subscription to the capital stock of the company hereby created, and as soon as the sum of two thousand dollars shall have been subscribed to the capital stock of the company, they shall have power to call a meeting of the stockholders by posting up notices of the same in three of the most public places in the village of Rochester where said corporation is hereby located, giving at least six days notice of said meeting.

Location.

Election.

SEC. 4. At the first legally notified meeting of the stockholders they shall have power to elect by ballot nine trustees, three of whom shall be elected for one year, three for two years and three for three years, and after the first election three trustees may be elected annually by ballot. *Provided* always, that all trustees shall hold their office until others are elected to fill their place.

Proviso.

SEC. 5. At all elections or meetings of the stockholders each stockholder shall be entitled to one vote for each and every share of stock owned by him, which said vote may be cast by the person owning the stock or by proxy duly authorized and all trustees elected at any meeting of the stockholders shall be chosen from the stockholders.

Officers.

SEC. 6. The trustees shall have power: First, to elect from their number a President, Secretary and Treasurer, whose duties and liabilities shall be prescribed by the by-laws of the corporation, and also to elect all other officers necessary to carry out the objects of this corporation; *to wit*, the educating of youth of either or both sexes. Second,

to call special meetings of the stockholders to fill vacancies in the board of Trustees or for any other purpose requiring the action of the stockholders. Third, to purchase, sell, lease, mortgage, or otherwise dispose of any property, real or personal, of said corporation, in such manner or form as shall be directed by a majority of the stockholders, also to erect and keep in repair all necessary buildings for the use of said corporation. Fourth, to employ suitable Teachers or Professors and to fix their salary, and also to prescribe and direct the course of study and discipline to be observed in said Institution, also to remove any Teacher or Professor from office for incapacity, immoral conduct or misbehavior in office, or to suspend the same and to appoint others to fill their places. Fifth, to make all rules, regulations and by-laws necessary and proper to carry into effect the powers herein granted and not inconsistent with the constitution and laws of this State.

SEC. 7. No religious test or qualification shall be required of any trustee or officer of this corporation as necessary to their election, nor of any student as necessary to his or her admission into the Institution contemplated by this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 296.

An Act to authorize the Town of Dodgeville to levy a special tax.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the town of Dodgeville, in the county of Iowa, are hereby authorized to levy a tax not to exceed four mills on the dollar, upon the taxable property of said town, according to the last assessment roll thereof, for the support of schools. Supervisors powers.

SEC. 2. Upon the levy of such tax by said board, and before the third Monday of April, 1855, the town clerk of Town Clerk and Treasurer's duties.

said town shall deliver to the treasurer of said town a tax list, in accordance with such levy and the provisions of this act, and the said treasurer shall immediately proceed to collect such tax, and make return thereof on or before the first day of June, A. D. one thousand eight hundred and fifty-five.

SEC. 3. The said tax shall be subject to all laws relating to taxes and the collection of taxes, applicable thereto and not inconsistent herewith.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 297.

An Act to vacate the old and to legalize the new plat of the village of Newport, in Sauk County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The plat of the village of Newport, in Sauk county, recorded January second, one thousand eight hundred and fifty-four, is hereby vacated, and the plat recorded November ninth, one thousand eight hundred and fifty-four, is hereby made the legal plat of said village.

Approved March 29, 1855.

Chapter 298.

An Act to allow School District No. four, in the Town of Exeter, in the County of Green, to levy a special tax.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Electors to levy tax.

SECTION 1. The legal voters of school district No. four, in the town of Exeter in the the county of Green, at any

regular or special meeting of the voters of said district, held on before the first day of June, one thousand eight hundred and fifty-five, are hereby authorized to levy a tax for the purpose of building a school house in said district.

SEC. 2. The amount of money so to be raised shall be determined upon by the legal voters of said district, at the time they decide to levy such tax; said taxes to be levied and collected as provided in chapter nineteen of the revised statutes. Amount how determined.

SEC. 3. The proper officers of said district shall have the same power to levy and apportion and collect said taxes as if the same had been levied at the annual meeting of said district. Officers powers.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 299.

An Act to incorporate the Sugar River Valley Railroad Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. S. F. Nichols, Jas. Campbell, Daniel Smiley, Tho's Flint, J. H. Warren, Tho's Fenton, Jos. Green, John Frederick, P. W. Matts, Stephen Este and De Witt Leonard, and their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body corporate and politic, by the name and style of the "Sugar River Valley Railroad Company;" and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break or renew the same at pleasure; and by that name they may sue and be sued; plead Corporators. Title. Franchises.

and be impleaded; answer and be answered unto; defend and be defended; contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Capital stock and subscriptions.

SEC. 2. The capital stock of said company shall be divided into such number of shares of one hundred dollars each, as the directors shall from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days' notice of such times and places, by publishing the same in a newspaper printed in the county of Green, and shall require five dollars on each share of stock subscribed to be actually paid in at the time of subscribing.

First director.

SEC. 3. The said above named persons shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided; and as soon as five hundred shares of the capital stock of said company shall be subscribed, and five dollars on each share actually paid in, the said directors shall close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders, and they shall immediately give not less than thirty days' notice in a newspaper as aforesaid of an election of nine directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Election of directors.

Management of affairs.

SEC. 4. All the affairs of said corporation shall be managed by a board of nine directors, who shall be stockholders, or of such other number not more than fifteen or less than five, as shall be previously specified in the notice of the election, and the board of directors is hereby invested with all the powers of the corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is

herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders equal to the number of directors to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If for any cause an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time on thirty days notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities by reason of the irregularity or want of any such election.

Quorum.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, and one to be vice president, who shall respectively serve for one year, or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders, and when absent, the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and such other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate, to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any persons failing to pay any installments, as also all previous

President.

Other officers

Directors powers.

payments thereon, and also in their discretion on the request of any stockholder to cancel his stock, and to refund to such stockholder the amount paid by him or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, co-partnership or corporation, whatsoever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company, for the leasing of the whole or any part of any railroad, constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company, to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution and laws of the United States and of this state, as they shall think proper, for the well ordering of the affairs of said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Stock personal property.

SEC. 6. All shares of stock in this company owned by any person shall be deemed personal property, and shall be transferable in such such manner and form at such place and under such regulations as shall be prescribed by the by laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

SEC. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks from such point as shall be determined upon by the board

Route.

of directors, on the north side of the line of the Southern Wisconsin railroad, or the Milwaukee and Mississippi railroad as extended westerly from Janesville to the Mississippi river, (said point to be within the limits of the county of Green,) thence up the valley of the Sugar river to Albany, in the county of Green, thence by way of Attica and Dayton; and the said company shall have power to transport, take and carry, property and persons, upon said road by the power and force of steam, of animals, or of any mechanical

or other power, or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad, and they shall have power to connect the said road with any other railroad in this state, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies.

May borrow money.

SEC. 9. The said company is hereby authorized and fully empowered in its corporate capacity to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom said money may be obtained; any law on the subject of usury in this state, to the contrary, notwithstanding; and to make, execute, and deliver in or out of the state, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind, as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and to make, execute, sell and deliver at private or public sale, in or out of this state, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporations and upon all other parties to such contracts.

Of roads, water courses, &c.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon, along, and across, under or over any public or private highway, road,

street, plank road or railroad, if the same be necessary, but the said company shall restore such highway, road, street, plank road or railroad to its former state, so as not to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all necessary bridges for the use of their said railroad, over any stream of water or water course at such points of crossing the same, as they shall locate the said road, with all necessary abuttments, piers or other foundations.

May take land for its use.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall in writing, to be signed by him and recorded in the office of the register of deeds of the county in which such lands are located, decide and delare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses, or other fixtures and grounds about the same for the operation and business of said road, or for making drains and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct, or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel, or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials, for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided, and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same,

and whenever, in the opinion of the company, the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

In cases of disagreement as to value of land so taken.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which, by the provisions of this act, they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company, in fee simple, as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disability, then with the guardian of such minor, non compos, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any in such county, such sum as said company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the first judicial circuit either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners, by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compen-

sation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another copy to such owner, guardian, or husband, if resident of the county in which such land shall lie, and if not, they shall deposite the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies, and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more then the other party shall pay such costs; and either party may, within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same, the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for the taking and using of the said land, and the said court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation so to be ascertained according to the provisions of this section, shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment filed in the office of the register of deeds of the county in which such lands lie, shall be suf-

ficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or in equity, and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Competency of witnesses, &c.

SEC. 13. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror, in any such suit or proceeding for the reason that such person is a stockholder in said company.

SEC. 14. On the completion of said railroad or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property as they shall from time to time think reasonable.

Misdemeanor.

SEC. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Fencing

SEC. 16. The said company, before opening their road through enclosed grounds, shall erect such fences as shall preserve such enclosure entire; and shall, before they commence to use their road as a railroad, erect a good and

sufficient fence on both sides of said road through all such enclosed grounds, and shall maintain the same.

SEC. 17. All the privileges and immunities granted by this act shall cease and terminate at the expiration of five years from the passage of this act, unless said company shall have ten miles of said road in actual operation.

SEC. 18. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the state, shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 300.

An Act amendatory of an Act entitled "An Act to incorporate the Manitowoc and Calumet Plank Road Company," approved Feb. 9, 1850.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. A. Wood, Chas. W. Fitch, Wm. Bach and Jacob Lueps be and are hereby appointed commissioners to act in conjunction with the commissioners appointed in Sec. 1 of the above entitled act with the same powers and duties as if they had been originally appointed in the act to which this is amendatory.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1855.

Chapter 301.

An Act to lay out a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. H. C. Hobart, Casper Thurwachter and Augustus Huyssen are hereby appointed commissioners to lay out a state road from Chilton in Calumet county to Calumet village in Fond du Lac county. Commissioners.

SEC. 2. The above named commissioners shall receive such compensation for their services, as may be allowed them by the County Boards of Supervisors of the several counties through which the road shall run: *Provided*, no part of such compensation shall be paid out of the State treasury. Compensation. Proviso.

SEC. 3. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 302.

An Act to incorporate Beaver Dam Hydraulic Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Thomas Mackie, William Farrington, Robert J. Norris, Robert V. Bogert, A. Scott Sloan, are hereby created a body corporate and politic by the name of the Beaver Dam Hydraulic Company, with perpetual succession to them and their successors and associates, and as such shall have all the powers and privileges incident to any incorporation in this state for the purposes hereinafter stated. Corporators and title.

SEC. 2. The affairs of the said corporation shall be managed by a board of five directors and the persons above named, are hereby constituted the first board of directors. They shall have and exercise all the powers of such corporation in its corporate name, and shall and may elect Management.

Officers. and appoint a President, Secretary, and such other officers, agents and employees as they may deem proper, and fix the compensation for each and every one of them, and remove and dismiss them at pleasure, and appoint and elect others instead from time to time; may adopt, keep, use and alter at will a common seal, sue and be sued, implead and be impleaded, contract and be contracted with, purchase, hold, sell and convey real estate for the use of said company, the aggregate cost of which owned by them at any time shall not exceed one hundred thousand dollars, together with personal property not exceeding twice the amount aforesaid in addition to such real estate; may make, ordain, establish and alter at pleasure rules and by-laws for the government of themselves, their officers, agents and employees not inconsistent with any law of this state, may keep an office, record minutes of proceedings and determine the amount and number of shares of stock of said incorporation, and the amount of such shares severally which shall be uniform in amount and the mode of subscribing and time of payment therefore, and mode and place of issue and transfer of the same, and may forfeit such shares and all moneys paid thereon to the use of said company for non-payment in full therefor, according to the requirements of the by-laws of said company, and may provide by such by laws for the time, place and manner of electing future Boards of Directors, and for filling any such vacancy in such board or any office where such vacancy is occasioned by death, resignation, inability or refusal to serve. But no omission or failure to elect directors at the time appointed for any such election, shall work an abatement, defeasance or forfeiture of any of the rights, privileges, immunities or franchises hereby conferred, but the directors hereby appointed or hereafter elected shall continue directors, with full powers until successors shall be appointed or elected.

Powers and limits. SEC. 3. Said company shall have exclusive power for thirty years from the passage of this act to use the powers and privileges conferred hereby in the village of Beaver Dam or within one mile of any portion of the limits of the present village of Beaver Dam under any name or description by which such village may be known, and no such powers or privileges as those conferred in this charter, shall be conferred upon or used by any other person or corporation whatever, but all such powers, privileges and franchises are hereby conferred upon said company

for the term last aforesaid exclusively : *Provided*, Said company shall within two years expend the sum of two thousand dollars in the furtherance and prosecution of the objects of the said company and the further sum of four thousand dollars for the purposes last aforesaid within five years from the passage of this act. Proviso.

SEC. 4. Said company shall have the power to enter upon and examine any lands within five miles of the present village of Beaver Dam for the purpose of finding and procuring pure water (doing no unnecessary damage to any such lands) for the purpose of conducting and conveying such water to and within said village, or any part of the same, as the same now is or may be hereafter enlarged or extended under its present or any other name or style whatever, to be furnished for the use of the citizens of the territory above described and referred to, or for the purposes and uses of any incorporation, municipal or otherwise, and for that purpose the said company are hereby fully authorized and empowered to convey any water so found or procured to or within any portion of the territory aforesaid, along, through or under any street, highway, lot or lots, field or fields, farm or farms, land or lands of any person or persons whatever, and for that purpose may enter into, go upon and occupy so much of any lot or lots, field or fields, farm or farms, land or lands, and make any and all necessary excavations, embankments, ditches, sluices, culverts, structures and other things, and construct, deposite, or lay down or embed thereon or thereunder, and perpetually maintain the same in good repair, any pipe, acqueduct, channel or other medium and the bed thereof by which to conduct and convey any such water from any one or any number of places or sources, and may from time to time make any and all needful repairs and renewals thereof, paying the owners or occupants severally of any lands, lots, farms or fields so entered upon or into for the purposes aforesaid, such amount for damages, as shall be agreed upon or determined in the manner hereinafter provided, and doing no unnecessary damage thereto or to any such highway or street, and provided the consent to use any water so found and appropriated shall be obtained from the owner in fee of the land, on which such spring is found. May enter upon land for its uses.

SEC. 5. The necessity to enter into, go upon, through, or take and use any portion of any such lot, land, field, farm or street, and the damages to be paid therefore shall

be determined in the same manner as is provided in the charter of La Crosse and Milwaukee Rail Road Company for purposes of obtaining right of way and Depot grounds and other necessary lands and privileges, *Provided*, that this company shall confine its use of lands and privileges to highways and streets so far as may be without material inconvenience, increase of expense, or other detriment to the interests and general objects of the said company.

Proviso.

Malicious mischief.

SEC. 6. Any person who shall commit any willfull trespass upon any of the property of this company, shall be deemed guilty of and punished as for malicious mischief, and shall also be liable in a civil action to said company, and in case such company shall recover in any civil action against any trespasser or wrong doer in an action of trespass or trespass on the case for tort, such company shall recover three times the amount of damage so done with costs of the court in which such recovery is had.

May borrow money.

SEC. 7. The said corporation are hereby authorized and fully empowered in their corporate capacity to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name all necessary writings, notes, bonds, mortgages or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation for all purposes in carrying out the objects of this company; and the official acts of said company are hereby declared binding in law and equity upon all other parties to such contract.

Public act.

SEC. 8. This act shall be deemed a public act and shall be favorably construed for the purposes for which this act is intended, and for the purpose of enabling said company to carry out the same, which purposes are hereby declared to be of a public nature, and to be for the purpose of supplying water to the citizens and all others within the territory and village aforesaid for all necessary and usual purposes.

Approved March 29, 1855.

Chapter 303.

An Act authorizing the laying out of a state road from the village of Germantown, in Adams county, to Western's Mills, in Clark County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Walter B. Gage, D. L. Ward and William Williamson be, and are hereby appointed commissioners to lay out and open a state road from the village of Germantown, in Adams county, running by the dwelling of Z. C. Applebee and Ward's mill, on Yellow river, to William's mill, on said river, thence to Western's mill, on Black river, in Clark county, on the best and most feasable route, as soon as practicable, and said commissioners shall receive such compensation for their services as the counties, through which said road shall pass, may allow. Commissioners. Route. Compensation.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 304.

An act to organize the town of Senaca, in county Marquette.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. All that part of town seventeen north, range twelve east, in the county of Marquette, lying north of the Fox and White rivers, be and the same is hereby organized a separate town, by the name of Senaca. Description.

SEC. 2. The first town meeting shall be held at the house of Woodman Chase, in said town, on the first Tuesday of April next, the day now provided by law for annual town meetings.

SEC. 3. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 305.

An Act to incorporate the North Western Mining and Smelting Company

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That Cadwallader C. Washburn, Cyrus Woodman, George Messersmith, Algernon S. Washburn and Charles L. Stephenson, and such other persons as may hereafter become associated with them in the manner hereinafter provided, shall be, and they are, hereby incorporated and made a body corporate and politic, by the name and style of the North Western Mining and Smelting company, and by that name shall have succession—shall be able to contract and be contracted with, to sue and be sued, plead and be impleaded, in any court of law and equity; to make, have and use a common seal, and the same to alter and renew at pleasure; and the said company shall have full power and authority to open and work any mines of lead or other ores and minerals that may exist on any lands which the said company may acquire within the state of Wisconsin.

Title.

Capital stock and shares.

SEC. 2. The capital stock of said company shall consist of one thousand shares of five hundred dollars each, (with the privilege of increasing the same one thousand shares, two-thirds of the stockholders consenting thereto,) but it shall be lawful for such company to organize and commence their operations when and so soon as fifty thousand dollars of said stock shall be subscribed, and with that capital to commence, conduct and carry on the same until they shall find it expedient to enlarge their capital, which they are authorized to do from time to time to the amount first named above and provided for.

Management.

SEC. 3. The management of the affairs of said company shall be vested in seven directors, who shall be stockholders; any five of whom shall constitute a quorum to do business; such directors shall hold their office for one year, and until their successors are elected and qualified. The board of directors as soon as practicable after their election, shall proceed to elect one of their number president of the company, and the president and directors shall elect and appoint all such other officers and persons as they shall deem necessary for the management and care of the business of the company.

Commissioners to procure subscriptions to stock.

SEC. 4. The corporators named in the first section of this act shall act as commissioners to procure subscribers to the stock of said company, and for that purpose shall open books at such place or places as they or a majority of them designate, and as soon as fifty thousand dollars or more are subscribed, they shall notify the stockholders of the fact, designating some convenient time and place for them to meet and hold an election for directors.

General powers.

SEC. 5. Said company shall have power and authority to carry on the business of mining, smelting and manufacturing, within this state, and for that purpose may acquire, hold, use and transfer, real and personal property; may erect buildings, machinery and other improvements, and use the same in its business; may sink shafts, erect steam engines, mills, furnaces, bloomeries, foundaries, and other establishments necessary and useful in mining, smelting and manufacturing ores, metals and minerals; and may construct roads, causeways, rail or plank roads, in connection with their works, to be used exclusively to facilitate the business of mining, smelting and manufacturing ores, metals and minerals, as contemplated in this section, and not for the purpose of carrying freight and passengers, for or without compensation; and may do such other lawful acts as may be necessary and proper to carry on said business successfully and prosperously, and for the purpose of constructing any plank or railroad for the purposes aforesaid, the said company hereby incorporated shall have the right of way over any lands through which such road as may be constructed may pass; *Provided*, That said company shall pay all damages or injury to be assessed by a jury of competent persons to be summoned at the request of the party injured, by any justice of the peace of the town, he causing the company to be served with notice at least ten days before any such trial, and the jury in finding their verdict shall take into consideration the benefit derived by the opposite party in the construction of any such road or roads. Either party may appeal to the higher courts from the verdict of the jury and judgment of the justice as in ordinary appeals from justice courts.

Proviso.

May own land.

SEC. 6. That it shall be lawful for said company to own pieces or parcels of land on the route, or at the terminus of any road or roads which may be necessary for the purposes of said company, and by this act authorized to be made; and also to own pieces or parcels of land at neces-

sary or proper places on the route of any such road or roads, for the purposes of erecting thereon their furnaces, mills, warehouses, workshops and other buildings; and also lay out, and lease, and sell lots to workmen or other persons.

Stock personal property.

SEC. 7. The stock of said company shall be deemed personal property, transferable on the books of the company in such manner as the directors shall regulate by law.

Rules, &c.

SEC. 8. The president and directors of said company may enact and establish such by-laws, rules and regulations, for the government of themselves and all officers and persons in the employ of said company as shall not be inconsistent with the provisions of this act, the constitution and laws of the United States, and the state of Wisconsin.

SEC. 9. That this act and the powers and privileges herein granted, shall continue in force and effect, without being altered, modified or repealed, or in any way affected or impaired, without the consent of said company: *Provided, however*, That any wilful violation of any of the provisions of this act shall be deemed a cause of forfeiture, and the attorney general of this state or the district attorney of any county in which the affairs and business of said company are carried on, shall, as soon as such facts shall come to his or their knowledge as in his or their opinion, amount to a cause of forfeiture, proceed against said company in the proper courts of this state in the name of the state of Wisconsin, to procure by the judgment of such court, a forfeiture of this charter and the privileges hereby granted.

Proviso.

SEC. 10. That for the convenience of the laborers and others, said company may sell goods, wares and merchandize, at their place or places of business: *Provided*, They pay the same tax or license which individual merchants or dealers in like articles are required by law to pay.

Proviso.

Approved March 29, 1855.

Chapter 306.

An Act to incorporate the Portage Bridge Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Milo M. Pettibone, Hugh McFarlane, William Owen, Henry W. Tenney, Thomas Robertson, Charles H. Moore, Harrison S. Haskell, George H. Wall, Andrew Dunn, John Crawford, John A. Chandler, and such other persons as may become associated with them for the purpose of building a bridge as provided by this act, be and they are hereby created a body corporate by the name of the "Portage Bridge Company;" and by that name may sue and be sued, plead and be impleaded in all courts and places, contract and be contracted with; may have a common seal, and alter the same at pleasure; and shall have power to purchase, hold and transfer real and personal estate to the value of thirty thousand dollars, and shall have all other powers and franchises necessary for carrying into effect the provisions of this act. Corporators. Title.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of ten dollars each, and William Owen, Miles H. Pettibone, Hugh McFarlane, John Crawford and Henry W. Tenney, are hereby appointed commissioners under the direction of a majority of whom books shall be opened to receive subscriptions to the capital stock of said company, at such time and place as may be agreed upon by said commissioners, within one year after the passage of this act; and such books shall be kept open during the pleasure of said commissioners. Capital stock.

SEC. 3. The said company shall have full power and authority to construct and mainatain a bridge across the Wisconsin river, on section seven (7), town twelve (12), north of range nine (9), east of the fourth principal meridian, in the city of Portage, in Columbia County, Wisconsin. To construct a bridge.

SEC. 4. The said bridge shall not be less than twenty feet wide, and shall have a draw of at least fifty feet across the most navigable channel of the river, so constructed as at all times to admit the free passage of rafts and vessels navigating said river, and without unnecessary delay. Said bridge shall be provided with a double track for wagons and a single track for foot men, and shall have a good sub- Width of bridge, &c.

stantial railing on either side; and shall not be less than fifty-feet span over the channel, and shall be commenced within two years and completed within six years.

Toll.

SEC. 5. The said company shall have power for the term of thirty years, after the completion of the bridge, to demand and collect toll for crossing the same, as follows: For any vehicle drawn by one horse or ox, fifteen cents, and for each additional horse or ox five cents; for foot passengers, three cents each; for a single horse and rider, ten cents; for all animals in droves of less than fifty head, two cents each; and for all over fifty, one cent each: *Provided*, That hogs and sheep shall not be charged more than one cent per head.

Proviso.

May make by-laws.

SEC. 6. Said company shall have power to make all by-laws for the regulation of its affairs not inconsistent with the laws of this state, or of the United States, and shall keep posted up in some conspicuous place on their bridge, a list of the rates of toll allowed by this act.

SEC. 7. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 307.

An Act providing for the collection of delinquent taxes in the town of Maple Grove, in Manitowoc County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Special tax.

SECTION 1. The county board of supervisors of the county of Manitowoc, shall, at their annual session in the year 1855, add to the amount of money apportioned to the town of Maple Grove, in said county, to be raised for county purposes for the year 1855, the sum apportioned to said town to be raised in the year 1853, as a special tax for the purpose of erecting county buildings in said county, and which special tax was not collected in said town of Maple Grove, in said year 1853; and the gross amount of said sums of money shall be the sum required to be charged by the county treasurer of the county of Manitowoc,

against the said town of Maple Grove, for the county taxes of the year A. D. 1855.

SEC. 2 It shall be the duty of the proper officers of the town of Maple Grove to cause to be levied, assessed, collected and paid into the county treasury, the said gross sum charged to said town for county tax, for the year 1855, in the same manner that county taxes are levied, assessed, collected and paid into the county treasury, as by law made and provided. Manner of collecting.

SEC. 3. This act shall take effect and be in force from and after its pasage.

Approved March 31, 1855.

Chapter 308.

An Act to incorporate the Village of Burlington in Racine County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of the district of country included within the following lines in the county of Racine, in this State, to wit: beginning at the north east corner of the west half of the north-west quarter of section No. thirty-two, in township No. three, north of range No. nineteen, east, thence running south one hundred and forty rods, thence west forty rods, thence south one hundred rods, thence east one mile, thence north two hundred and forty rods, thence west two hundred and eighty rods to the place of beginning—are hereby created a body corporate and politic by the name and style of "The Village of Burlington," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying, and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation. Incorporation. Title.

Government. SEC. 2. The government of said corporation and the exercise of its corporate powers and management of its fiscal, prudential, and municipal concerns, shall be vested in a president and four trustees, and such other officers as are hereinafter provided for.

Officers. SEC. 3. The elective officers of said corporation shall be one president, four trustees, one marshall, one treasurer, and one assessor, to be elected by the qualified voters thereof at the annual election of said corporation, to be held on the first Tuesday of May in each year, and shall hold their respective offices for one year, and until their successors are chosen and qualified.

Electors. SEC. 4. At the first election, and at all subsequent elections of officers in said corporation, every person residing therein, qualified to vote for town officers in the town in which said corporation is situated, and shall have resided in the village twenty days next preceding the election at which he may offer his vote, shall be entitled to vote in such village for any officer required to be elected by this act; and the person or persons having the highest number of votes, shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by an elector, the judges of election, or some one of them, before receiving the vote of any such person, shall require such person to take an oath that he possesses the qualifications prescribed in this section of this act, and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be recived; and if any person shall take such oath, knowing it to be false, he shall be deemed guilty of willful and corrupt perjury, and on conviction thereof, shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars, nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered under this act.

Officers. SEC. 5. At the first and every subsequent election, the electors shall vote for one president, four trustees, one marshal, one treasurer, and one assessor.

SEC. 6. The supervisors of the town of Burlington, shall, at least twenty days previous to the first election of officers in said village, appoint the time and place of holding such election, and appoint the judges and clerks thereof, and shall give notice of such appointments ten days previous to such election, by publishing the same in a newspaper printed in said village; and after the first election, it shall be the duty of the president and trustees to provide the place of holding elections in said village, and to appoint the judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same, and may make such other arrangements concerning said election as may be lawful and convenient for the citizens of said village. Elections—how conducted.

SEC. 7. The supervisors of the town of Burlington shall determine who shall have been properly elected at the first election, and the chairman of the board of supervisors of said town shall administer the oath of office to the first president, and such president shall administer the oath of office to all the trustees and other officers, who have been declared to be duly elected; all subsequent elections shall be determined by the president and trustees, and the new president may in every case be sworn into office by his predecessor, and he may administer the oath of office to all newly elected officers. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot, in the presence and under the direction of the president and trustees. Supervisors to determine elections.

SEC. 8. The president shall preside at all meetings of the trustees, keep the seal of the said corporation, sign all commissions, licenses, and permits which may be granted by the trustees; he shall maintain peace and good order and see that the ordinances of the village are observed and executed. He shall have power to administer oaths or affirmations, and to take and certify acknowledgements of deeds and other instruments in writing; as a judicial officer, he shall have concurrent jurisdiction with justices of the peace of the county of Racine of all cases for the violation of any ordinance of said village, and when presiding at the meeting of the trustees, he shall have a casting vote, when the votes of the members are equal. Duty of president.

To fix place of meeting.

SEC. 9. The president and trustees shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public; shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen, at all reasonable times and hours; shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules, and regulations for their own government as are not inconsistent with the provisions of this act, and shall have power to compell the attendance of its members.

Officers of the peace.

SEC. 10. The president, each and every trustee, marshall, each and every justice of the peace and constable of the town of Burlington, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior, in a manner consistent with the ordinances of said village, within the limits thereof, and for such purpose may command the assistance of all by standers, and if need be, all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the village in such case provided.

Duties of marshal.

SEC. 11. The marshal shall possess all the powers and enjoy all the rights of a constable in the town of Burlington, and be subject to the same liabilities; it shall be his duty to execute and return all writs and process to him directed by the president, and when necessary in criminal cases, or for the violation of any ordinance of said village, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances, and breaches of the peace, to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin, to apprehend any person in the act of committing any offence against this state or the ordinances of the village, and fortwith to bring such person before competent authority for examination; and for such services he shall recieve like fees as are allowed to constables for like services. Said marshal shall execute and file with the clerk, a bond for the faithful performance of his duty, to be approved by the trustees.

Duties of treasurer.

SEC. 12. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village; all mo-

neys raised, received, recovered, and collected by means of any tax, license, fine, forfeiture, or otherwise, under the authority of this act, or which belongs to said village, shall be paid into the village treasury, and shall not be drawn therefrom except by a written order, signed by the president and countersigned by the clerk, by order of the trustees. Such order shall specify the amount of money to be drawn and its object. He shall keep a just and accurate account of all moneys and other things coming into his hands, as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arose; which said books at all reasonable times, shall be open to the inspection of the electors of the village; he shall, as often as the trustees shall require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall hand over to his successor all moneys, books and vouchers in his possession, belonging to said village; he shall, before he enters upon the duties of his office, execute to the president and trustees a bond for the faithful discharge of his duties, to be approved by the trustees, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

Duties of clerk.

SEC. 13. The clerk shall be appointed by the trustees; he shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance or direction of the trustees, who shall fix his compensation therefor, not exceeding the sum allowed by law for like services.

Oath of office

SEC. 14. Every officer elected in said village, shall, within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act.

Special meetings.

SEC. 15. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving ten days' notice thereof in the newspaper of the village. Every notice of a special meeting shall state the objects for which such meeting is called.

May fill vacancies.

SEC. 16. Any vacancy in the office of president, trustees, marshal, treasurer, or assessor, may be filled at a special meeting called in the manner prescribed in the preceding section.

May make by-laws.

SEC. 17. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend, or repeal, all such ordinances, rules, and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be, and to have the force of law:

Proviso.

Provided, That they be not repugnant to the constitution and laws of the United States and of this state, and for those purposes, shall have authority by ordinance or by by-laws, to organize fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress, or sale, in any manner; and if the owner shall refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladder or fire buckets, or both,

General powers.

with costs of suit; to regulate the storage of gunpowder and other dangerous materiels, to direct the safe construction of a place for the deposit of ashes, to appoint one or more fire wardens, to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition, to regulate the manner of putting up stoves and stove-pipe, to prevent fires and the use of fire works and fire arms within the limits of said village, or such part thereof as they may think proper, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such building in the vicinity of the fire as shall be directed by the trustees or any four of them who may

be at the fire, for the purpose of preventing its communication to other buildings, and any buildings so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper. Second, to prevent, abate and remove nuisances, and to take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, market, privy, sewer or other unwholesale or nauseous houses or places, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the village. Third, to license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances, under the ordinances or common law. Fourth, to restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said village. Fifth, to prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill fame, shows and exhibitions. Sixth, to direct the location and management of all slaughter houses and markets. Seventh, to prevent the encumbering the streets, side walks, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, lumber, fire wood, or other material or substance whatever. Eighth, to prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in waters within the limits of the village. Ninth, to restrain the running at large of cattle, swine, sheep, horses and other animals, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal found so going at large in violation of the laws of the village. Tenth, to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large, contrary to the ordinances, or to impose a tax on the same. Eleventh, to prevent any person from bringing, depositing, or having within said village, any putrid carcass or any unwholesome substance, and to require the removal of the same by any

person who may have upon his premises any such substance, or any putrid or unwholesome beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons. Twelfth, to establish and regulate boards of health, provide hospitals and cemetary grounds, regulate the burial of the dead and the returns of the bills of mortality, and to exempt burying grounds, set apart for public use, from taxation. Thirteenth, to provide for the security and protection of bridges. Fourteenth, to prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the side walks in said village, or in any way doing any damage to such side walk. Fifteenth, to restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and provide for arresting, removing and punishing any person or persons who may be guilty of the same. Sixteenth, to regulate the police of the village, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies.—Seventeenth, to protect trees and monuments in the village. Eighteenth, to provide for cleaning out of Fox river of drift wood and other obstructions in said village. Nineteenth, to establish the grade of all streets in said corporation, and to appoint a surveyor, and prescribe his duties, and fix his compensation, not to exceed the pay allowed by law to others for like services.

Penalties.

SEC. 18. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws, in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding fifty dollars for any one offence, in violation or non observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Racine county, for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail, by the marshal or any other officer, shall be under the charge of the sheriff of said county.

Process.

SEC. 19. On all suits for the violation of any ordinance of the village, the process may be warrant; and it shall be sufficient without setting forth the special matter, to declare generally in debt with reference to the ordi-

nance under which the action is brought; the defendant may plead the general issue, and give the special matter in evidence, and a copy of an ordinance published in a newspaper or pamphlet, by authority of the trustees, or posted up, as hereinafter provided, shall be prima facie evidence of the passage and publication of such ordinance.

Execution to contain clause for imprisonment.

SEC. 20. Every execution issued upon judgment for the violation or non observance of any ordinance or by-law of said village, shall contain a clause directing in the event of non payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided for by the ordinance under which the judgment shall have been rendered; all fines, penalties, and forfeitures when collected, shall be paid into the treasury of said village.

What ordinances to be published.

SEC. 21. Any ordinance, regulation, rule, or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper printed in said village, or posted up as hereinafter provided, before the same shall be in force, and proof of such publication, by affidavit of the printer or foreman in the office of such newspaper where such publication may have been made, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, rule, or by-laws, in all courts and places.

Inhabitant not incompetent juror.

SEC. 22. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested.

Powers of trustees.

SEC. 23. The trustees shall have power to appoint one street commissioner, to lay out, open, and keep in repair, grade, pave, or otherwise improve streets, avenues, lanes, alleys, sewers, and side walks, and cross walks; to insure the public property of the village; to direct in the prosecution and defence of suits in which said village may be a party; to procure the necessary blank books for records, and such other stationery as may be required for village purposes; to audit and allow all lawful accounts against said village, and to draw an order on the treasurer for the payment of the same; to determine the compensation of the president, clerk, marshal, treasurer, assessors, and street commissioner, subject to the provisions of this act; to levy and collect taxes on all such property as shall be subject to town and county taxes: *Provided*, That in any

one year the taxes for corporation purposes shall not exceed one half of one per cent. on the assessed valuation of taxable property in said village, unless two thirds of the electors of said village, voting at a meeting legally called for that purpose, shall vote to allow a larger sum to be raised; but in no case shall the electors be allowed to raise more than one per cent. on the assessed valuation as aforesaid.

Accounts to be audited.

SEC. 24. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them, and when any such account shall be so audited, the trustees so auditing the same shall endorse thereon, or annex thereto, a certificate, subscribed by them, of such auditing, and of allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Affidavit attached to account.

SEC. 25. No such account or claim shall be audited or allowed by the trustees until it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of the account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid; such affidavit shall be endorsed on, or annexed to such account or claim, and presented and preserved therewith. Any one of the trustees, when such account or claim shall be presented to them, may administer the oath required in this section; and the said trustees may examine the claimant on oath, as to the items in such account or claim.

How last section construed.

SEC 26. Nothing in the last preceding section shall be construed to prevent the trustees from allowing any account or claim in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Record of claims.

SEC. 27. Every account or claim against said village presented to the trustees in any year shall be numbered from number one and upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Warrants.

SEC. 28. Every warrant drawn by the trustees to pay any account or claim, shall refer to such account by its number, the name of the person in whose favor it was made out, and the time when it was presented; and a memorandum of such reference, and of the amount of the warrant, shall be entered in such records before such warrant shall be delivered to the claimant.

Trustees not to allow claims.

SEC. 29. No trustee shall allow or subscribe a certificate of the allowance of any item in any account or claim against said village, which said village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax; nor shall any trustee sign any warrant for the payment of any such account or claim, or any part thereof.

How account paid.

SEC. 30. No such account or claim shall be paid except by treasurer, on the warrant of the trustees, endorsed on or annexed to the account or claim for which it shall be drawn.

Account to be filed.

SEC. 31. Whenever any such account or claim shall be paid, it shall, together with the affidavit presented therewith to the trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the treasurer's office.

Not to borrow money.

SEC. 32. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf, by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall said village incur any debt or liability in any year, greater than the amount of tax allowed by this act to be raised in said village, in the year in which such debt or liability was incurred.

May provide for paving streets.

SEC. 33. Whenever two-thirds of all the resident owners of real estate bounding both sides of any street or part of street, not less than sixteen rods in length, in said village, shall desire to have such street graded, paved, or otherwise improved, they may make and sign an application in writing to the board of trustees of said village, specifying in such application the sum necessary to be raised for that purpose; and the said trustees shall levy and cause to be collected, such sum by tax on all the owners of real estate, on lots on such street or part of street; said tax shall be levied on the last assessed valuation of the real estate and lots, exclusive of improvements, respectively, as the same shall appear in the assessment roll of said village.

Sidewalks.

SEC. 34. When two-thirds of all the resident owners of real estate and lots bordering on one side of any such street or part of street, shall desire to have a side-walk built or repaired, the application for that purpose shall be made to the trustees by such owners, and the tax for building or repairing such side-walk shall be levied as prescribed in the preceding section.

How taxes collected.

SEC. 35. Whenever the trustees shall levy any tax for the purpose of grading, paving, or otherwise improving any street, or for the building or repairing of any side-walk, they shall make out and deliver to the street commissioner such tax to be collected and expended, a list of persons, and a description of the property taxed; and thereupon the said street commissioner shall notify the persons named in such tax list, by publishing a notice in some newspaper published in said village, and shall specify in such notice a time or times not less than twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list, may pay their taxes in labor, materials, or money; and the persons charged with such tax may at such time and place as may be required by such street commissioner, pay their taxes in labor or materials: *Provided*, The labor and materials offered in payment for such taxes are suitable, and such as may be required by said street commissioner.

When tax list returned.

SEC. 36. At the expiration of forty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement, verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditures; also the taxes which remain unpaid, and the persons and descriptions of real estate or lots, to which such unpaid taxes stand charged.

Unpaid taxes to be entered in next assessment roll.

SEC. 37. The trustees, in making out the duplicate assessment roll of said village, next thereafter, shall enter such unpaid taxes therein in a separate column, with twelve per cent. interest added thereto, opposite the names of the persons and description of property against which the taxes so remain unpaid; and such taxes shall be collected in the same manner as the general taxes of said village are collected; and when so collected shall be paid over to a street commissioner on the order of the trustees, to be

expended on the street or side walk for which they were originally assessed.

When amount of taxes to be determined.

SEC. 38. The trustees shall, between the first Tuesday in May and the second Monday in June in each year, determine the amount of general tax necessary to be assessed and collected in said village the current year. The assessors shall, within the time above limited, assess all property subject to taxation, and shall on or before the first Monday of June in each year, deliver to the board of trustees of said village a full and complete roll thereof; which roll shall exhibit the description and value in separate columns, of the lands, lots, and all other property chargeable with tax, in the said village respectively, together with the names of the owners thereof, so far as the same can be ascertained. The assessor shall receive for his services a compensation to be fixed by the by-laws of said village, which shall not exceed the compensation allowed to town assessors for similar services.

Appeal from assessment.

SEC. 39. Whenever the said assessment roll shall have been delivered to the board of trustees as mentioned in the preceding section, such board of trustees shall forthwith direct their clerk to give public notice, by publishing the same in some newspaper published in said village, of the completion of such roll by the assessor, and shall specify in said notice the time when, and the place where the said trustees will meet to hear appeals from the proceedings of such assessor; on any such appeal being made to said trustees, they shall have power to alter and correct such assessment roll, and the said trustees shall have power to equalize the taxes in such assessment roll.

Trustees to levy tax.

SEC. 40. When such assessment roll shall be finally completed, the trustees shall cause to be levied, such amount of tax as shall have been determined to be raised, and shall set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, and to each person respectively, and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village, as hereinafter provided, and the original assessment roll and tax list shall be deposited with the treasurer of said village.

By whom warrant signed.

SEC. 41. The warrant annexed to any tax list delivered to the marshal as aforesaid, shall be signed by the president and countersigned by the clerk of said village, or in

the absence of the president, such warrant shall be signed by a majority of the trustees; such warrant shall command the marshal to collect the taxes mentioned in such tax list, in sixty days, and pay over the same to the treasurer of said village, and make return of said warrant to the said treasurer; the trustees may renew the warrant annexed to any tax list, for thirty days, when they shall deem it necessary, but any such warrant shall be so renewed but once.

Marshal to give notice.

SEC. 42. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice in a newspaper published in said village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of forty days next ensuing such notice; and all taxes paid during said forty days, shall be subject to a deduction of five per centum upon the amount paid.

When to collect tax by sale of goods.

SEC. 43. If the taxes are not paid to the marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days' notice of the time and place of such sale, by written notices, set up in three public places in said village.

Marshal to pay money to treasurer.

SEC. 44. It shall be the duty of such marshal within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him by reason of his being unable to find property in said village, out of which he could collect the same; and if any sum be returned not collected, by him, his return shall be accompanied by his affidavit that the facts therein stated are true.

When to sell lands.

SEC. 45. In case the tax on any lot or other parcel of land shall remain unpaid on the first day of October, it shall be the duty of the treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots or other pieces of land, upon which the taxes have not been paid, will be sold by him at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale agreeably to the provisions of this act. Said

advertisement shall be published three weeks successively in a newspaper published in said village.

How sale conducted.

SEC. 46. On the day and at the time and place mentioned in the notice, the treasurer shall commence the sale of lands and lots, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed, and charged thereon, agreeably to this act, and the treasurer shall give to the purchasers of any lot or lots of land, a certificate of the lots or land purchased, stating the sum paid therefor, including fees and the time the purchaser or purchasers will be entitled to a deed.

To file statement.

SEC. 47. Said treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village, all affidavits, notices and papers in relation to such tax sale, to be filed in the office of said clerk; also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them, in their respective offices.

When to make conveyance of lands.

SEC. 48. If the person claiming the title to the lots or parcels of land so sold and described in said certificate given by the treasurer, shall not, within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty-five per centum per annum, from the date of such certificate, the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or parcels of land so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple; and the said conveyance shall be evidence that the sale was regular according to the provisions of this act, and any such conveyance executed by the treasurer, under his hand and the seal of said corporation, in the name and on behalf of said village, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with like effect as a deed regularly acknowledged by the grantor may be given in evidence and recorded: *Provided*, That in case of assessment of

Proviso.

taxes in gross upon any lot or piece of land, the treasurer, upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part, either in payment or redemption, with the interest and charges thereon, proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest and charges, shall be a lien only on the remainder of such lot or piece of land.

Lands advertised before conveyed.

SEC. 49. In all cases, before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by a correct description thereof, for three months, in some newspaper published in said village, stating that all such lots or parcels of land will be forfeited, if the taxes, interest, or charges upon the same are not paid before the day mentioned in such notice.

Fees.

SEC. 50. All lots or lands which shall be advertised for sale for non payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and each lot or piece of land which shall be sold as aforesaid, shall be chargeable with the following fees: for each certificate to be given to a purchaser of any lot of land at such sale, twelve and one half cents; for certifying the amount necessary to redeem any lot or piece of land, twelve and one-half cents; and one dollar for each conveyance executed in pursuance of this act; the said fees to be paid by the person receiving such instrument. The charge for advertising the *forfeiture* of a piece of land, shall be ten cents for each lot or parcel.

Interest on taxes.

SEC. 51. If any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, shall pay to the treasurer the amount of tax with interest, at the rate of twenty-five per centum per annum, for the benefit of the purchaser.

Where road taxes expended.

SEC. 52. All taxes levied and collected by the trustees of said village for the purpose of repairing, grading, or improving roads, streets, or alleys in said village, shall be expended within the limits of each ward respectively in which the same has been assessed and collected.

Street commissioners to superintend graking.

SEC. 53. The street commissioner of said village shall, under the direction of the president and trustees, superintend the grading, paving, and improving of streets, and the building and repairing of side walks, and the expenditure of taxes levied and collected for such purposes, and

shall receive such compensation for his services as shall be allowed by the trustees under the provisions of this act.

Statement of expenditures.

SEC. 54. Within ten days next preceding every annual election, the trustees of said village shall cause to be published in some newspaper published in said village, a statement which shall show the name of every person who shall have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed, and a brief statement of the nature of the demand. The first statement so published, shall embrace all accounts allowed to the time of publishing, from the time of the incorporation of said village, and each subsequent statement shall embrace all accounts allowed to the time of publishing, from the time of publishing the last preceding statement.

Proof of publication.

SEC. 55. The affidavit of the printer or of the foreman in his office, of the publication of any notice required by the provisions of this act to be published, shall be received as proof of the publication of such notice in all courts and places.

Neglect not to suspend corporation.

SEC. 56. If any election provided for in this act, shall for any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any time thereafter, by order of the supervisors of the town, otherwise by order of the trustees of said village, of which time ten days' public notice shall be given; and further, if any of the duties enjoined by this act, at a time herein specified, or specified by any ordinance of said village, are not then done, the trustees of said village may appoint another time upon which the said duties may be done: *Provided*, That the officers so failing to execute such duties, at the time required, shall be liable to the same actions, fines and penalties, as they would have been had not said power been conferred upon or exercised by the trustees.

Proviso.

May appoint and remove officers.

SEC. 57. The trustees shall have power to appoint, and at their pleasure to remove, the following officers, to wit: One chief engineer of the fire departments, two fire wardens, and as many assistant wardens as they shall from time to time deem necessary, one surveyor, one sealer of weights and measures, sextons and keepers of burial grounds and a street commissioner, and prescribe their duties and fix their compensation, under the provisions of this act, and to impose and enforce in law such penalties

as to the said trustees may seem proper, for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by the trustees: *Provided*, That trustees shall have no power to pay themselves any compensation for their services.

Proviso.

Quorum.

SEC. 58. A majority of the trustees shall be a quorum for the transaction of business, but a less number may meet and adjourn from time to time, until a quorum shall be present, but shall do no other business; and in the absence of the president, three trustees being present, one of their number may be appointed chairman, *pro tem.*

Publishing or posting up notices, &c.

SEC. 59. All notices, ordinances, orders, rules, by-laws, or other instruments required by any of the provisions of this act, to be published in a newspaper printed in said village, may instead thereof, be published by posting up printed or written copies in three public places in said village, at the time the same may be required as aforesaid to be published, which posting up shall to all intents and purposes, have the like force and effect as if the same had been regularly printed in a newspaper published in said village. And the affidavit of one person setting forth the time and manner of such posting shall be received as proof of the facts therein contained in all courts and places.

Time of holding first election.

SEC. 60. The first election provided for in the sixth section of this act, may be held at any time after the first Tuesday in may next, and the persons elected at such first election, shall hold their respective offices for and until the first Tuesday in May next, after such election, and until their successors are elected and qualified.

SEC. 61. This act may be altered, amended or repealed by the legislature.

Approved March 31, 1855.

Chapter 309.

An Act to amend an act entitled "an act to incorporate the City of Racine, in the County of Racine.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifty-one of an act entitled "an act to incorporate the city of Racine, in the county of Racine," shall be amended as follows: By striking out the words "*Provided*, That said commissions shall not exceed four per centum in any year," and insert the words "Said commission shall be fixed annually by the city council, but in no case to exceed four per cent." To amend. Proviso.

SEC. 2. This act shall be in force from and after its passage.

Approved March 31, 1855.

Chapter 310.

An Act to vacate a part of the plat of the village of Edgerton, in the County of Rock.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. All that part of the village of Edgerton, in the county of Rock, known and described as follows, is hereby vacated, to wit: That portion of Canal street laying immediately between Swift and Henry streets; also Billins street; lots number one and ten, in block number ten; all of block number thirteen, except lots numbers one, two, three and four, and the whole of block number nine. To vacate.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 311.

An Act authorizing the building of a bridge across Fox River, at or near the village of Delhi, Winnebago County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To build a bridge.

SECTION 1. That Charles P. Bennett, Luther M. Parsons, and Luke Laborde, their associates and assigns, shall have power to build and construct a bridge across Fox River, at any place which may be agreed upon, between William Utter's and the lower Warehouse in said village.

Width of bridge.

SEC. 2. Said bridge shall not be less than twelve feet wide, with a draw over the channel of said river, not less than seventy feet wide, which shall be opened at all times for the passage of boats, vessels, rafts and other craft, free of charge, and without unnecessary delay.

SEC. 3. Said bridge shall be commenced within one year and finished within three years.

Toll.

SEC. 4. The said grantees, shall, after the completion of said bridge, have power and authority to demand and collect toll for passing over the same as follows: For any vehicle drawn by one horse, ten cents; for any vehicle drawn by two horses or oxen, twenty cents; for each additional animal, five cents; for all animals in droves, three cents each: *Provided*, That hogs and sheep shall not be charged more than one cent per head.

Proviso.

Notices of rates of toll.

SEC. 5. There shall be posted up in some conspicuous place on said bridge, the rates of toll allowed by this act.

May make by-laws.

SEC. 6. The said grantees, their associates and assigns, shall be allowed to make regulations and by-laws as may be deemed by them necessary, not inconsistent with this act, or any law of this state, or of the United States.

SEC. 7. This act shall take effect from the date of its passage.

Approved March 31, 1855.

Chapter 312.

An Act to incorporate the village of Howard, in the County of Brown.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that district of country in the county of Brown, viz: Commencing in the centre of Fox River, running thence along the northern line of private claim number two, on the west side of said river, one mile; thence south twenty-fourth degrees west, until it strikes the south line of private claim number five; thence along the said south line to the centre of Fox River, and along the centre of said river to the place of beginning shall hereafter be known and distinguished by the name of the village of Howard, and the inhabitants residing, or who may hereafter reside within said limits, are hereby constituted a body corporate by the name of "the Trustees of the Village of Howard;" and by that name, they and their successors forever hereafter shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever. **Incorporation.**

SEC. 2. It shall be lawful for the inhabitants of said village, qualified to vote, to meet at one of the most public places in said village, on the second Monday of July next, at ten o'clock A. M., and choose *viva voice* two judges of election and one clerk, and elect by ballot, one president, who shall be ex-officio a trustee, four trustees, three assessors, two constables, one treasurer and one clerk. **Election.**

SEC. 3. On the first Monday of April, in each year thereafter, there shall be an annual election of the officers of said village above specified, and the trustees shall give due notice of the time and place of holding the same; and they, or any two of them, shall preside at the same. **Election.**

SEC. 4. No person shall be eligible to any of said offices unless he is a voter in said village. **Not eligible except a voter.**

SEC. 5. At all elections by the voters of the village, held under this act, the polls shall be opened at ten o'clock A. M., and continue open until four o'clock P. M., and the election shall be conducted in a similar manner, as far as may be, to the election for state officers, as prescribed by law. **When to open polls.**

Special election.

SEC. 6. In case such officers, or any of them, shall not be chosen on the day herein appointed for the same, the corporation shall not thereby be dissolved, but vacancies in the office of president and trustees shall be filled at a special election by the voters of the village, and vacancies in all other offices by appointment by the trustees.

To hold offices until others are elected.

SEC. 7. All of said officers shall hold their offices until the first Monday of April next, after their election, and until others are elected and qualified in their stead.

Oath of office.

SEC. 8. Every officer elected under this act, before he enters upon the duties of his office, and within ten days after his election, shall take an oath faithfully to discharge the duties of his office, and to support the constitution of the United States and of this state.

Bonds of treasurer and constable.

SEC. 9. The treasurer and constables, before they enter upon the duties of their office, shall severally give bonds to the trustees in such sum with conditions and with such sureties as said trustees, or a majority of them, shall direct.

President to preside.

SEC. 10. It shall be the duty of the president to preside at all meetings of the trustees, to see that all by-laws and ordinances are duly observed, and to prosecute all suits which may be necessary, in the name of the corporation.

Clerk to keep a record.

SEC. 11. It shall be the duty of the clerk to keep a record of the doings of the trustees, especially of the passing of by-laws, ordinances and regulations, and also a faithful record of all the doings and votes of the inhabitants of said village, at their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The records kept by the clerk, shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records of proceedings of the board of trustees, certified by him under the seal, shall be evidence in all courts of the contents of the same.

Treasurer to receive all moneys.

SEC. 12. The treasurer of said village shall receive all moneys which may be collected for the use of the corporation, by virtue of this act, or by virtue of any by-law or ordinance of the corporation, or which may arise from any other source and belong to the corporation, and give to the person paying the same, his receipt therefor. All moneys shall be drawn from the treasury by warrants under the corporate seal, signed by the president, by order of the trustees, and countersigned by the clerk, who shall keep a copy thereof, which warrant shall set forth for what purpose the amount specified therein is to be paid, and the said treasurer shall pay out the funds of the corporation

in no other way whatever. He shall keep just and accurate accounts of all moneys, and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, and which shall remain the property of said corporation, whenever [wherein] he shall note the time when the person from whom the amount of the several sums received, and the source from which the said sums respectively are, and in a manner equally accurate and specific; in the same book, he shall duly enter an account of all sums paid out, which book shall at all reasonable times be opened to the inspection of the voters of said village. He shall, as often as they shall require, render to the board of trustees a minute account of all his receipts and payments.

Constables.

SEC. 13. The constables elected under this act shall have the same powers as the constables elected in towns.

Powers of trustees.

SEC. 14. The trustees shall have the following powers, to wit: First, To have a common seal and alter the same at pleasure. Second: To purchase, hold or convey any estate real or personal for the use of the corporation. Third: To make, open, keep in repair, grade, improve or discontinue streets, avenues, lanes, alleys, sewers and side walks, to keep them free from incumbrances, and to protect them from injury. Fourth: To organize fire companies and hook and ladder companies, to regulate their government, and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner; and if the owner refuses to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may bring an action of debt against such owner, and be entitled to recover in such action the value of such ladders or fire buckets, or both, with costs of suit; to regulate the storage of gun powder, and other dangerous materials; to direct the safe construction for the deposits of ashes; and severally, to enter into, or appoint one or more officers, to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and cause such as may be dangerous to be put into a safe condition; to compel the owners of houses and buildings to have scuttles on the roofs of said

houses and buildings; to regulate the manner of putting up stoves and stove pipes; to prevent fires and the use of fireworks and fire arms within the limits of said village; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of fires as shall be directed by the trustees, or any three of them, who may be present at a fire, for the purpose of preventing its communication to other buildings, and any buildings so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention or extinguishment of fires as they shall deem proper. Fifth: To clear out and remove vegetable matter and nuisances from the creeks, rivers and other waters in said village, and prevent their accumulation in said waters; and generally to take such other measures for the public health as they shall deem proper. Sixth: To prevent, abate or remove nuisances. Seventh: To restrain the runnig at large of cattle, and all other animals; to establish pounds and appoint pound masters and fence viewers, and prescribe their powers and duties. Eighth: To protect trees and monuments in said village. Ninth: To regulate the burial of the dead. Tenth: To establish and regulate markets, and restrain sales in the streets; to establish and regulate a public scale, and appoint a weigher to attend the same; to regulate the place and manner of selling hay and other gross commodities. Eleventh: To suppress disorderly and gaming houses and devices for the purposes of gambling. Twelfth: To call regular and special meetings of the voters of said village. Thirteenth: To prescribe the compensation of all officers of the corporation except their own. Fourteenth: To tax every male resident of said village above the age of twenty-one years, and under the age of fifty years, two days' labor, or in lieu thereof, two dollars, to be appropriated in improving the roads and streets in said village, under the direction of such person as they may appoint; said labor to be in lieu of the county poll tax. Fifteenth: Upon the application of two-thirds of the resident owners of the lots on any street, or one side of any block, to levy and collect a special tax on the owners of the lots on such street, or part of street, according to their respective parts, for the purpose of making a side walk along the same. Sixteenth: To organize school districts in said vil-

lage, and to take such measures for the benefit of public instruction as they may deem proper. Seventeenth: To make and pass, ordain and establish such by laws, ordinances and regulations, not repugnant to the constitution and laws of this state or of the United States, for the purpose of carrying into effect the provisions of this act, as they may deem proper, but no such ordinance or by-law shall take effect until the same shall have been published three weeks successively, and to repeal or amend the same at pleasure.

Penalties.

SEC. 15. The said trustees as often as they shall make or publish any by-laws, regulations or ordinances, may ordain and provide such reasonable fines, forfeitures and penalties upon the offenders against any such by-laws, regulations or ordinances as they shall deem proper, not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having cognizance of the same, in the name of the corporation, to and for the corporation; and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture, and to give the special matter in evidence, and the defendant may plead the general issue and give the special matter in evidence. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture shall be defrayed by the corporation; and all penalties and forfeitures when collected shall be paid to the treasurer for the use of the village; also to remit such fines or forfeitures or any part thereof.

Affidavit of printer.

SEC. 16. The affidavit of the printer of the publication of any by-laws or ordinances, or the affidavit of the clerk of the corporation of the putting up notices, by-laws or ordinances, as required by this act shall be sufficient proof in all courts and elsewhere that such by-laws, notices and ordinances were properly published or posted up.

To publish or post up notices.

SEC. 17. Whenever in this act the publication of any notice, by-law or ordinance is required, the same shall be published in a newspaper printed in said village, if there be one, for three weeks successively; if there be no newspaper, then the same or copies thereof, shall be posted up by the clerk in four public places in said village, three weeks, which shall be a sufficient publication.

Three trustees may transact business.

SEC. 18. Any three of said trustees shall be a board for the transaction of all business. No by-law or ordinance shall pass unless three of said trustees concur therein.

Inhabitant not incompetent judge, &c.

SEC. 19. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the village of Howard, in any action or proceeding in which said village is a party or interested.

Firemen exempted.

SEC. 20. Every inhabitant of said village belonging to any fire company or hook and ladder company therein, shall be exempted from serving on juries and from doing military duty, except in cases of war, invasions or insurrection.

Statement by trustees.

SEC. 21. It shall be the duty of the trustees before the annual election, to publish a full and correct statement in detail, of the receipts and expenditures by said trustees for said village during the past year.

Property exempt from tax.

SEC. 22. The following property shall not be taxed by virtue of any ordinance or law adopted by the authority of the said village, in the village of Howard, namely: The property of the United States, of this state, of Brown county, and of all incorporated, literary, benevolent, charitable and scientific institutions, and all property which is by law exempted from sale on execution.

Taxable property.

SEC. 23. All property real and personal within the limits of the village, not exempted above shall be subject to taxation; personal property shall be construed to include all goods, chattels, ships and vessels, and all stocks in any monied corporation.

Trustees to levy a tax.

SEC. 24. The trustees shall have power to levy and collect, annually, a tax on all property subject to taxation in said village, not exceeding the rate of one dollar on every one hundred dollars of the assessment value thereof.

Assessors to make an assessment roll.

SEC. 25. It shall be the duty of the assessors, during the month of February of each year, to make an assessment roll, in which they shall set down the names of all taxable inhabitants of said village, and the names so far as they can be ascertained of non-residents, who shall own real estate therein, and the description, quantity and value of all the property subject to taxation in said village; and when the said roll shall have been completed it shall be certified to by at least two of the assessors, as a true assessment roll of all the property subject to taxation in said village, and immediately deposited with the clerk of said village.

Trustees to determine the rate of tax.

SEC. 26. It shall be the duty of the clerk, annually, upon receiving the assessment roll as aforesaid, to lay the same before the trustees for their consideration relative to the rate per centum of tax to be levied, for the current year,

and when the said trustees shall have determined the rate per centum to be taxed on the assessed value of property, as contained in the assessment roll as aforesaid, it shall be the duty of the clerk, in the month of March, to make out, in accordance with such determination, a schedule of all the property as contained in said assessment roll, together with the names of the owners thereof, when known, annexing to each lot, or other kind of property, the amount of tax which shall be chargeable on the same, agreeably to the assessment as returned, and the rate per centum of taxation as fixed by the trustees; which schedule shall be called the tax list, and shall be recorded in a book to be by him kept for that purpose; and said tax list, or the record thereof, shall either of them, be conclusive evidence of the amount of corporation taxes assessed for the current year, in which the same shall be made out and dated.

Tax list.

SEC. 27. It shall be the duty of the clerk to complete the tax list as aforesaid, and deliver the same to the treasurer in the month of March, and make a record of such delivery in the book where said list shall be recorded, which record shall be conclusive evidence of such delivery; and the tax assessed on real estate shall be a lien on the same from the first day of April until the tax shall be paid, together with all penalties and costs, which may accrue thereon, agreeably to the provisions of this act.

Treasurer to give notice when to pay taxes.

SEC. 28. Upon the receipt of the tax list, as aforesaid, and during the month of April, it shall be the duty of the treasurer to give public notice in a newspaper printed in said village, or by posting up notices in three public places in said village, that such tax list has been committed to him for the purpose of collecting the tax thereon; and that he will receive payment for taxes at his office until the last day of August then ensuing.

Sale for non-payment of taxes.

SEC. 29. If the taxes are not paid to the treasurer on or before the said last day of August, he may proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days' notice of the time and place of such sale by written notices set up in three public places in said village.

Treasurer to advertise lands on which taxes remain unpaid

SEC. 30. In case the tax on any lot or other piece of land shall remain unpaid on the said last day of August, and there are no goods and chattels of the person charged therewith, to be found in the village, it shall be the duty of the treasurer to make out a general advertisement, stating that all lots and other pieces of land upon which the

taxes have not been paid, will be sold by him at a certain time and place, to be therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which shall accrue by advertisement and sale, agreeably to the provisions of this act; said advertisement shall be published four successive weeks, commencing in the month of September, in a newspaper printed in said village, if there be one, and if not, then by posting up in three public places in said village: *Provided*, That in case of assessment of taxes in gross upon any tract or lot of land, the treasurer upon application of any claimant or owner of a part thereof, either divided or undivided, shall receive a part of the taxes, interest and charges due thereon, proportionate to the quantity of such lot or tract so owned or claimed, and the balance of such taxes, interest and charges shall be a lien only on the remainder of such lot or tract of land.

Proviso.

Time of sale.

SEC. 31. The time fixed by said treasurer for the sale of lots or other pieces of land for taxes, shall be at the same time which he may designate within the month of December next ensuing the publication of the advertisement thereof, and on the day mentioned in the said notice the treasurer shall commence the sale of the said lots and lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed and charged thereon, agreeably to this act; and the treasurer shall give to the purchaser or purchasers of any such lots or lands a certificate describing the lots or lands purchased, stating the sum paid therefor, including fees, and time when the purchaser will be entitled to a deed for the said lots or lands; and if the person claiming the title to the said lots or lands described in said certificate shall not within two years from the date thereof, pay to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty-five per centum per annum from the date of such certificate, the treasurer shall, at the expiration of the said two years execute to the purchaser, his heirs or assigns, a conveyance of the lots or lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, and the said conveyance shall be conclusive evidence that the sale was regular according to the provisions of this act, and every such conveyance to be executed by the

Certificate of sale.

treasurer under his hand and seal in the name and on the behalf of the village of Howard, and the execution thereof witnessed and acknowledged as by law as in other cases provided, may be given in evidence, and recorded in the same manner and with like effect as a deed regulary acknowledged by the grantor may be given in evidence.

Forfeited land to be advertised.

SEC. 32. In the month of July in each year, the treasurer shall publish, in the manner mentioned in the last section, an advertisement stating each lot and tract of land which will be forfeited in the ensuing December, (stating the day thereof,) if the taxes and charges upon the same are not paid before that day, together with the amount of such taxes and charges.

Lands advertised for non-payment subject to charge.

SEC. 33. That all lots or lands, the taxes on which shall not be paid before the last day of August as aforesaid, and which shall be advertised for sale for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and for each lot or piece of land which shall be sold as aforesaid, it shall be lawful for the treasurer to demand and receive the following fees: For each certificate to be given to a purchaser at such sale of any lot or piece of land, twelve and a half cents; for certifying the sum necessary to redeem any lot or piece of land held for taxes, twelve and a half cents, and one dollar for each conveyance executed in pursuance of this act; the said fees to be paid by the person receiving such instrument of writing. The charge for the second advertisement shall be ten cents for each lot or piece of land.

Interest on tax.

SEC. 34. That if any person who shall purchase any lot or piece of land in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land, shall pay the amount of such tax with interest at the rate of twenty-five per centum per annum for the benefit of such purchaser.

Damages.

SEC. 35. The board of trustees shall cause to be summoned six freeholders, inhabitants of said village not directly interested, who being first duly sworn for that purpose, shall inquire into and take into consideration the benefits and advantages that may accrue, and estimate and assess the damages that would be sustained by reason of opening, extension or widening of any street, avenue, lane or alley, and shall moreover estimate the amount which the person shall be benefitted thereby, all of which shall be

returned to the trustees under their hands and seals; whereupon the trustees shall levy and assess a special tax on the persons so benefitted, and the residue of such damages, if any, shall be paid out of the village treasury, and no street, avenue, lane or alley shall be opened, extended or widened until the damages thus assessed shall be paid to the person entitled thereto.

Publication. SEC. 36. It shall not be necessary for the trustees to publish any notice required to be published, except by-laws or ordinances, for anylonger time than one week.

License. SEC. 37. The trustees shall have the sole right of licensing and regulating groceries, victualling houses, taverns, shows, public exhibitions and theatrical or other entertainments, and also the sale of spirituous or strong liquors within said village, and shall have power to fix such rates of licenses, and enact such by-laws on the subject, with penalties for the breach thereof as they may deem proper, and to collect such penalties in the same manner provided for collecting other penalties in this act.

Persons entitled to vote. SEC. 38. All persons entitled to vote as aforesaid. and who shall have resided within said corporation six months immediately preceding an election therein, shall be entitled to vote at any election athorized by this act.

Public act. SEC. 39. This act shall be considered a public act, and take effect from and after its passage: *Provided*, that if no alection shall be held on the second Monday of *July* next, as hereinbefore provided, then this act shall take effect on the first Monday of April, A. D. 1856.

Approved March 31, 1855.

Chapter 313.

An Act authorizing John L. V. Thomas to build and maintain a dam across Bass Creek, in the county of Rock.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To build a dam. SECTION 1. John L. V. Thomas, his heirs, associates, successors and assigns, is and are hereby authorized and empowered to build and maintain a dam across the Bass

Creek, at any point he or they may deem most suitable, on any land he or they now or may hereafter own on section fourteen, in town two, range eleven, east of the fourth principal meridian, and to erect and operate mills or other machinery, or in any other manner to make use of the water for hydraulic purposes, as he or they may see fit, and to sell or lease the right to use such water or any part thereof, and in as many parts as he or they may choose, to any person or persons whomsoever, body or bodies whatsoever: *Provided*, That said dam shall not interfere with any dam now erected or heretofore authorized by law, to be erected on said stream. Proviso.

SEC. 2. The said John L. V. Thomas, his heirs, successors, associates and assigns, or any one of them, may, within six months from the time said dam shall have been erected, apply to the judge of the first judicial circuit, who shall appoint three commissioners to enquire into the damages that may arise to the lands overflowed in consequence of the erection of said dam. The said commissioners shall, unless otherwise agreed by the parties, within thirty days from the time of their appointment, proceed to make an examination of all the lands damaged by the said overflowing, and shall make out an award in writing to the owner or owners of such piece or pieces of land damaged. Commissioners to learn damages to lands.

SEC. 3. The said award shall be filed by the said commissioners in the office of the clerk of the circuit court of Rock county, within ten days of the time it shall have been rendered, and shall remain a lien upon the goods and chattels of the owners of said dam and their associates, until the term of the circuit court thereafter next succeeding, when, by motion made by any party interested, a judgment may be entered up and execution issued in the same manner and with the same effect as judgments are entered and executions issued in civil suits in the circuit court; the said decision and award shall be final, unless appealed from as provided in the next succeeding section. To file an award.

SEC. 4. Any person conceiving himself aggrieved by such award, may appeal within twenty days from the time of making said award to the circuit court of Rock county, in the same manner as provided by law for appeals, from decision of commissioners of the estate of deceased persons. Appeal.

SEC. 5. No suit or proceeding at law or in equity, shall be entered against the owners or proprietors of said dam, Concerning damages.

for any damage arising from overflowing any land by reason of erecting or maintaining said dam after they or any of them shall have applied to have commissioners appointed according to the provision of this act, nor until after six months from the time of completing said dam.

Public act.

SEC. 6. This act is hereby declared a public act, and shall be printed immediately after its passage, and when so printed, shall take effect.

Approved March 31, 1855.

Chapter 314.

An Act to incorporate the Monteville and Black River Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That Benjamin B. Healey, George Gale, Cyrus Woodman, George Batchelder, Charles Utter, N. B. Grover, Benjamin F. Henston, Chase A. Stevens, Wm. J. Gibson, Jas. O'Niel, Samuel F. Weston, Jacob Spaulding, Horatio Curtis, Charles Whipple, Andrew Shepperd, Jas. Perry, Hugh Wedge, Milton Barlow and Wm. F. Price, and their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the name and style of the "Monteville and Black River Railroad Company;" and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break or renew the same at pleasure; and by that name they may sue and be sued; plead and be impleaded; answer and be answered; defend and be defended; contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Title.

SEC. 2. The capital stock of said company shall be divided into such number of shares, of one hundred dollars each, as the directors shall from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days' notice of such times and places, by publishing the same in a newspaper printed either at the village of La Crosse, or in either of the counties through which said road may pass, and shall require three dollars on each share of stock subscribed to be paid at the time of subscribing. Capital stock. To open books

SEC. 3. The said Benjamin B. Healey, George Batchelder, George Gale, Benjamin F. Henston, Chase A. Stevens, Milton Barlow, Wm. J. Gibson, Horatio Curts, Chas. Whipple, Jas. O'Niel and Sam. F. Weston shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided; and as soon as five hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders; and they shall immediately give not less than thirty days' notice in a newspaper as aforesaid of an election of eleven directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected. First directors. Close the books.

SEC. 4. All of the affairs of said corporation shall be managed by a board of eleven directors, who shall be stockholders, and the board of directors is hereby invested with all the powers of the corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockhold- Management.

ers, the votes shall be delivered in person or by proxy duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If for any cause an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time, on thirty days notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities by reason of the irregularity or want of any such election.

Elections.

Quorum.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, who shall serve for one year, or until other directors are elected.—The president when present, shall preside at all meetings of the directors and stockholders, and in case of his absence, the directors present may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and such other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate, to determine the amount of installments to be paid, from time to time, on such subscriptions, and to forfeit to the use of the company the share or shares of any persons failing to pay any installments, as also all previous payments thereon, and also in their discretion, on the request of any stockholder, to cancel his stock, and to refund to such stockholder, the amount paid by him or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and pas-

Directors shall appoint officers.

Powers of directors.

sengers, and to make such covenants, contracts and agreements, with any person or persons, co-partnership or corporation, whatever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company, for the leasing of the whole or any part of any railroad, constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company, to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution and laws of this state, as they shall think proper, for the well ordering of the affairs of said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Stock personal property and transferable.

SEC. 6. All shares of stock in this company owned by any person shall be deemed personal property, and shall be transferable in such manner and form at such place, and under such regulations, as shall be prescribed by the by laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Routes.

SEC. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks from such point on the Mississippi river, at or near the village of Monteville, in the county of Trempealeau, as shall be determined upon by the board of directors, to township thirty, north of range two west, in the county of Clark; and the said company shall have power to transport, take and carry, property and persons, upon said road, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road and those using it; to manufacture or pur-

Transportation.

chase and own all necessary engines, tenders, cars and other conveniences for running said railroad, and they shall have power to connect the said road with any other railroad in this state, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner, and to transport persons and property in boats, vessels and barges, on the Black and Mississippi rivers, and to receive and collect reasonable compensation for the same.

May borrow money.

SEC. 9. The said company is hereby authorized and fully empowered in its corporate capacity to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom said money may be obtained; any law on the subject of usury in this state or in any other state, where such transactions may be made, to the contrary, notwithstanding; and to make, execute, and deliver in or out of the state, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind, as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and to make, execute, sell and deliver at private or public sale, in or out of this state, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporations and upon all other parties to such contracts.

May construct their road over any highway.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon, and along, across, under or over any public or private highway, road, street, plank road or railroad, if the same be necessary, but the said company shall restore such highway, road, street, plank road or railroad to its former state, so as not

to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all necessary bridges for the use of their said railroad, over any stream of water or water course at such points of crossing the same, as they shall locate the said road, with all necessary abuttments, piers or other foundations.

May enter on any land.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width along the line of said route, and also [all] such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall in writing, to be signed by him and recorded in the office of the register of deeds of the county in which such lands are located, decide and declare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses, or other fixtures and grounds about the same for the operation and business of said road, or for making drains and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct, or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel, or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials, for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided, and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same, and whenever, in the opinion of the company, the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is

Compensation for damages.

hereby authorized to lease or sell the same, or any part thereof in fee simple.

Compensation

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which, by the provisions of this act, they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company, in fee simple, as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disability, then with the guardian of such minor, non compos, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any in such county, such sum as said company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the sixth judicial circuit either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners, by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and anoth-

Commissioners to decide upon amount of compensation.

Award of amount.

er copy to such owner, guardian or husband, if resident of the county in which such land shall lie, and if not they shall deposit the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies, and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs; and either party may, within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff and the said company as defendant; and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for the taking and using of the said land, and the said court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners then judgment shall be rendered in favor of said company for costs, and against the claimants; and when such compensation so to be ascertained according to the provisions of this section shall be paid or tendered to such party, entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid, shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation

May appeal.

Judgment.

so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or in equity, and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Competency of witnesses, &c.

SEC. 13. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror, in any such suit or proceeding for the reason that such person is a stockholder in said company.

Rate of transportation.

SEC. 14. On the completion of said railroad or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property, as they shall from time to time think reasonable.

Misdemeanor.

SEC. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Fencing.

SEC. 16. The said company, before opening their road through enclosed grounds, shall erect such fences as shall preserve such enclosure entire; and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road through all such enclosed grounds, and shall maintain the same.

First meeting of directors.

SEC. 17. The first meeting of the directors and of the stockholders of said company, shall be called by at least a

majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind or abolish any one regulation or by-law of said company.

SEC. 18. The privileges and immunities hereby granted to said company shall be null and void upon the expiration of the term of five years from and after the passage of this act, unless said company shall have ten miles of said railroad in actual operation. When privileges cease.

SEC. 19. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the state, shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage. Public act.

Approved March 31, 1855.

Chapter 315.

An Act to incorporate the Fond du Lac and Lake Superior Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Charles A. Eldredge, Coles Bashford, George W. Wickhart, M. J. Thomas, and N. Boardman, their associates, successors and assigns, are created a body corporate, by the name and style of the "Fond du Lac and Lake Superior Railroad Company," and by that name shall be and are hereby made capable in law to purchase, hold and enjoy to themselves and their successors, lands, tenements and hereditaments, so far as may be necessary, for the purpose of erecting and constructing a railroad between the points hereinafter named; and shall have full power to sell, grant, rent, or in any manner dispose of the same; and the said company shall have full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, and also to make, have and use a common seal, the same to alter, break or renew at their pleasure. Corporators. Title.

To open books

SEC. 2. The above named persons, or a majority of them, are hereby authorized to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscription: which books shall be open within eighteen months from the passage of said act, at such place or places as they may deem expedient.

Capital stock.

SEC. 3. As soon as the sum of fifty thousand dollars is subscribed to the capital stock of said company, the above named persons shall give notice to the stockholders in writing, of a meeting of the stockholders to choose directors for the said company, and the said stockholders shall, at such meeting, choose nine directors, each share of capital stock entitling the owner to one vote, and may be cast by the owner or by proxy; and the above named persons or any two of them shall be inspectors of said election, and shall certify in writing who are chosen directors.

May make by-laws.

SEC. 4. The board of directors shall have full power to make such rules and by laws for the choosing of their officers as they may think for their advantage, as well as for conducting the business of said company.

Route.

SEC. 5. Said company shall have full power to construct a railroad from the city of Fond du Lac, in the county of Fond du Lac, by the way of the city of Oshkosh, in the county of Winnebago, to Left Hand River, on Lake Superior; and the capital stock of said company shall be three million dollars, and shall be divided into shares of one hundred dollars each.

Amount of capital stock.

Directors.

SEC. 6. The affairs of said corporation shall be managed by a board of not less than nine and not more than thirteen directors, to be determined by the said company, who shall be chosen annually, by ballot, by the stockholders of said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the well ordering the affairs of said company.

Stockholders to be elected directors.

SEC. 7. None but stockholders shall be elected directors; and at every election, and in all cases where stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of election

of directors, the thirteen stockholders having the highest number of votes shall be declared elected.

SEC. 8. The said directors shall meet at such times and places, and when convened in such manner, as they may hereafter decide upon, a majority of said directors shall be a quorum for the transaction of business, who in the absence of the president shall appoint a president pro tem. The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; and they shall have full power to fix the compensation of all officers and agents, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportion in which the said stockholders shall pay the money due on their respective shares, and forfeit for the use of the company the share or shares of every person or persons failing to pay any installments so required, at a reasonable period, not less than sixty days after the time by them appointed for the payment thereof; they shall have full power to regulate tolls, to make such covenants, contracts and agreements with any person, co-partnership, or body politic whatsoever, as the construction and management of the works, and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company: *Provided*, That no installment called in at any one time shall exceed twelve dollars per share, and that no installment shall be called for by the directors without at least thirty days' notice thereof, to be given as the by-laws of said company may provide.

Time of meeting.

Appoint officers.

Forfeiture.

Contracts.

Proviso

SEC. 9. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for, or hold in said corporation, signed by the president and countersigned by the secretary, and sealed with the common seal, subject however, to all payments due or to become due thereon, which stock shall be transferrable in person, or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for in the by-laws of said company.

Certificate of stock.

SEC. 10. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year; and special meetings of the stockholders may be

Statement of affairs.

called by order of the directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of such meeting, but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

Power of company.

SEC. 11. The said company shall have power to locate and construct a railroad with a single or double track; and shall have power to transport, take and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make connecting tracks, and also such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of the company for the use of said railroad, and also to connect said railroad and branch railroads in the state of Wisconsin, and consolidate the capital stock of said company with the capital stock of any railroad company with which the roads of the said companies shall intersect, and shall have full power to place the road of this company and its capital stock so consolidated, under the direction of a joint board of directors, of the companies consolidating their capital stock, shall agree upon; and the board so constituted shall have power to adopt such name as they may see fit, and may alter the same at will, and shall upon such adoption or alteration, shall give proper notice of the same in a newspaper published in Madison.

May consolidate.

When to commence operations.

SEC. 12. If said corporation shall not within five years from the passage of this act commence the construction of said railroad, then the rights, privileges and powers of said corporation under this act shall be void.

May enter on land.

SEC. 13. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use such lands not exceeding one hundred and thirty feet in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner herein-

after directed and provided in such cases respectively. Said company are further authorized by their officers, engineers, agents and servants, to enter upon lands adjacent to the railroad, beyond the limits of one hundred and thirty feet, in the manner provided in this act, when necessary, for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains, and giving a proper direction to water courses across or along said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposit earth, gravel, and stone taken from cuts, and to obtain earth, gravel, stone and other materials, for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage; and all lands so acquired, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeable to the provisions hereinafter provided, and when such damages shall have been paid for or tendered, the title of the land occupied by such fixtures, excavations and embankments, shall vest in fee simple in said company.

Damage.

SEC. 14. When the said corporation cannot agree with the owner or owners of such required land, for the purchase thereof, or as to the compensation to be paid therefor, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement or purchase can be made, then, and in that case, it shall be lawful for any judge of the supreme court of this state, on application of said company, and at the cost and charge of said company, to appoint three disinterested persons, residing in the counties through which the said road runs, whose duty it shall be to view and examine the lands so taken, with buildings and improvements, if any thereon, and to estimate the value of the lands so taken, or required by the said company, and all damages which the owner or owners thereof shall sustain, or may have sustained by reason of the taking of the same for the construction and use of said road, or works appurtaining thereto; and it shall be the duty of the said company to give three weeks' notice of their application to the judge of the supreme court, for the appointment of the said commissioners, to be published for three successive weeks in a newspaper published

Three persons to ascertain damages.

at the capital of the state, and also in a newspaper, if there shall be any published in each of the counties through which the said road may be located, and the affidavit of the publisher or printer shall be legal evidence of such publication; and the person so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace, or other person, competent by law to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners thereof shall have sustained, or may sustain, by reason of the taking and using thereof by the said company, deducting from such damages the benefit and advantages which such owner or owners shall derive from the construction of such railroad; whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and also the amount of damage, if any, deducting from such damages the benefits and advantages which may accrue to such owner or owners as aforesaid, and shall make a report in writing, of such valuation under their hands and seals, to the circuit court of the county where the land lies, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the said clerk to file the same; and in case no appeal shall be made within thirty days after the filing of said report, as hereinafter provided, then the said clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon on motion of either party, at any term of said court: *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners sh ll have sustained, or may sustain by the taking of the same, deducting from such damages the benefits which will accrue to such owner or owners from the construction of said railroad, and judgment of the court shall be entered acordingly: *Proivded, also*, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages, or in the valuation of any lands or

Proviso.

Proviso.

materials as aforesaid, in the absence of the owner or owners thereof, his, her or their agents or attorneys, unless it shall be shown to them, by competent testimony that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the state of Wisconsin; and if the said owner or owners shall be minors, or non compos mentis, or absent from the state, or the county through which the road of the said company is located, the service of notice may be made on the guardian or trustee, (if there be any) or in such manner as the court may direct: *Provided, also,* Proviso. That upon the making and filing of any report as aforesaid, and payment as legal tender of any valuation or appraisal specified therein, to the owner or owners of any such lands, his, her or their legal representatives, the said company, their agents, or the contractor for making or repairing said railroad, may immediately take and use the same without awaiting the issue of any appeal brought thereon; and the said company shall, before opening said road through enclosed ground, erect such fencing as shall preserve such enclosure entire, and shall, before commencing to use said road as a railroad, erect a good and sufficient fence on both sides of said road, through all enclosed grounds, and shall maintain the same so long as they use said road as a railroad.

SEC. 15. Whenever any judgment shall have been entered as hereinbefore provided for the value of any lands, or for any damage, for the taking and using the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the easement of the same, so long as it shall be used as the tract of said railroad, and if such valuation be not received when tendered, it may at any future time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, That the cost of any proceedings and judgments specified in the last preceding section, shall be taxed by the court and paid by said company, excepting in cases whereupon appeal, the verdict of the jury is for the same or less sum than that reported by the said commissioners. Judgment. Proviso.

SEC. 16. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any Shall not obstruct any private road,

public road or roads which may cross the same, and in all places where such railroad may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passage, to enable all persons travelling such public road, to pass over or under such railroad without inconvenience: *Provided*, That in cases where said railroad may cross or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road, after altering and putting the same in as good condition as before, and for that purpose the said company shall, previous to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on grounds adjacent to such road, and in every respect, complete such newly constructed road, or part of a road so interfered with, as substantially as it was previous to the disturbance and occupancy thereof by the said company.

Proviso.

To make passages.

SEC. 17. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said railroad, whenever the same may be necessary, to enable the occupants of said lands to pass over or under the same with waggons, carts and implements of husbandry as occasion may require: *Provided*, That the said company shall in no case be required to make more than one such passage way for each farm; and when any public road shall cross said railroad in any farm, the person owning or possessing said farm shall not be entitled to require said company to make any additional causeway.

Proviso.

Public act.

SEC. 18. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof, printed by authority of the state of Wisconsin, shall be received as evidence thereof.

Punishment for obstructing track.

SEC. 19. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded, or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison, for a term of not less than one, nor more than

five years, at the discretion of the court; and in case any damage shall result from the placing such obstructions, or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby, and in case any accident shall happen in consequence of the breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to law in such cases made and provided.

May borrow money.

SEC. 20. The said railroad company are hereby authorized and fully empowered in their corporate name and capacity, to borrow any sum or sums of money from any person, corporation, or body politic of any kind, for any rate of interest which may be agreed upon, by and between said company, and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, drafts, bonds, or other papers, and make, execute, and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this state, or any other state where such transaction may be made, to the contrary notwithstanding, and the powers of said corporation for the purpose aforesaid, and for all purposes necessary to carrying out the objects of said company hereinafter expressed, and the contracts and official acts of said company, are hereby declared binding in law and equity upon said corporation, and all other parties in said contracts.

When in force.

SEC. 21. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad, for the purpose of procuring earth, gravel, stone, or other materials for the construction and repair of said road or buildings and fixtures connected therewith, and whenever such lands shall no longer be needed for the purposes aforesaid, the company are hereby authorized to sell and convey the same.

May dispose of lands.

To deposit amount of damages.

SEC. 22. In case there shall be incumbrance upon the land, taken as hereinbefore provided, it shall be sufficient for the said company to deposit the amount of damages assessed, as herein provided, with the clerk of the circuit court where the land lies, to be paid over by said clerk to the owner of said land, or his lawfully authorized agent, upon the removal of said incumbrance.

When privileges cease.

SEC. 23. The privileges and franchises herein granted, shall cease and determine, should the said company not have ten miles of road completed, and in good running order, in five years from and after the date of the approval of this act.

Approved March 31, 1855.

Chapter 316.

An Act to incorporate the "Milwaukee Ladies' Society."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Association.

SECTION 1. Matilda Wendt, Charlotte Meyer, Eliza Kranz, Eliza Greenfield, Fredrika Schmidt, Amalia Flerzhein, Catinka Ortalli, Henriette Annercker, Sophia Bode, Florentine Blech, Maria Stirn and Anna Maria Krug, who have associated themselves into an association for the purpose of furnishing aid to educating the youth, for the cultivation and improvement of the mind, and for educational purposes generally, and their associates and successors, are hereby created a body politic and corporate for said purposes, with perpetual succession, and with the name and title of "The Milwaukee Ladies' Society," located in the city of Milwaukee.

Title.

Power of society.

SEC. 2. Said society shall have full power to sue and to be sued, to plead and to be impleaded, in all courts and places, to contract and to be contracted with, to acquire, hold and convey real and personal property, not exceeding the value of ten thousand dollars; to have and to use a common seal, and to alter the same at pleasure, and to make and adopt such by-laws for the government of said society and the business thereof, as may be deemed necessary, not inconsistent with the constitution and laws of the United States or of the state of Wisconsin.

Management.

SEC. 3. The affairs of the corporation, hereby created, shall be managed and be controlled by a president, vice-president, secretary, vice-secretary and treasurer, who shall be elected at such time and in such manner, as may be provided in the by-laws of said society. The above

number of officers, and not less, shall constitute the board of trustees of said corporation, and their number may be increased to not exceeding twelve, but the board shall never consist of less than five members. They shall hold their offices for the term of one year, and the first election of trustees shall take place at such time and place as may be determined upon, due notice of which shall be given.

Funds—for what applied.

SEC. 4. All funds and property received by the corporation, or by their trustees, by gift or otherwise, shall be faithfully applied by them for the benefit of the corporation, and particularly for the above mentioned purposes, and may be applied in the purchase or rent of grounds, or building, procuring library and apparatus, furniture, fixtures, furnishing aid to schools and academies, creating endowments for the payment of teachers, and in the payment of the necessary and proper expenses of the said corporation: *Provided, however*, that any donation or bequest made for particular purposes in accordance with the design of the corporation, hereby created, shall be applied according to the wishes of the donor and the terms of the bequest.

Proviso.

Property exempt from tax.

SEC. 5. The library, apparatus, cabinet, buildings and lands, not exceeding five acres, belonging to said society, shall be exempt from taxation: *Provided*, That lands exempted from taxation by the provisions of this act, shall not be used for any other than school or educational purposes.

Proviso.

SEC. 6. This act may be amended or altered by any future legislature.

Approved March 30, 1855.

Chapter 317.

An Act to incorporate the Milwaukee Concert Hall Association.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to receive subscriptions to capital stock.

SECTION 1. William P. Lynde, Charles Quentin, Gustav Pfeil, Joshua Stark, I. A. Lapham, Charles E. Wendt and Jerome R. Brigham, be and they are hereby appointed commissioners, under the direction of a majority of whom

subscriptions may be received to the capital stock of the Milwaukee Concert Hall Association, hereby incorporated; and they may cause books to be opened at such time and place as a majority shall direct, for the purpose of receiving subscriptions to the capital stock of said association, first giving five days' notice of the time and place of taking such subscriptions in one or more daily papers published in the city of Milwaukee.

Amount of capital stock.

SEC. 2. The capital stock of said association shall be fifty thousand dollars, in shares of twenty-five dollars each; and as soon as one thousand shares or more of stock shall be subscribed, and five per centum paid thereon, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are declared and created a body corporate and politic by the name and style of the "Milwaukee Concert Hall Association," with perpetual succession; and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable of purchasing, holding, selling, leasing and conveying estate, personal, real and mixed, as far as may be necessary and proper for the construction, management and usefulness of a concert hall and building, in the city of Milwaukee; they may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation.

Capable of purchasing.

Management.

SEC. 3. The affairs of said association shall be managed by a board of directors, who shall be chosen by ballot, each share of stock being entitled to one vote, the votes to be delivered in person or by proxy duly authorized; which directors shall appoint one of their number president; and for the purpose of electing the first directors, the said commissioners, or a majority of them, after the stock shall have been subscribed, as provided in the second section of this act, shall give five days' notice in one or more newspapers published in the city of Milwaukee, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing directors; and annually thereafter on the second Monday of January, the stockholders shall meet for electing directors aforesaid: *Provided*, That none but stockholders shall be elected directors.

SEC. 4. A majority of said board of directors shall constitute a quorum for the transaction of business; they shall have power to make and establish such by-laws, rules, orders and regulations as may be necessary for the management of the affairs of said association; to make such covenants, contracts and co-partnership or body politic whatever, as they may deem expedient and for the interest of the association. Quorum.

SEC. 5. If for any cause an election for directors shall not be held at the time specified therefor, the same may be held at any other time, upon ten days' notice being published as aforesaid, and until such election the directors of the preceding year shall continue to act, and this charter shall not be voided by reason of any irregularity or want of such election; and in case of vacancy from the death, or resignation of any director, his place may be filled by the board of directors. Charter not void by reason of irregularity in elections.

SEC. 6. The said association are hereby authorized in their corporate capacity to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and to make and execute in their corporate name, all the necessary writings, notes, bonds, or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, for all purposes necessary in carrying out the objects of said association, and the official acts of said association are declared binding in law and equity upon said corporation and upon all other parties to such contracts. May borrow money.

SEC. 7. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof. Public act.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 30, 1855.

Chapter 318.

An Act to authorize the establishment of a House of Refuge for juvenile and other delinquents in the county of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors to have erected a house of refuge.

SECTION 1. The board of supervisors of the county of Milwaukee shall be and they are hereby authorized to cause to be erected at such place within the limits of said county as shall be designated in the manner hereinafter mentioned, a suitable building or buildings, to be called "The House of Refuge of Milwaukee county," to be used for the safe keeping, reformation and employment of vagrants, disorderly persons and all prisoners under sentence or conviction, (except in those cases of conviction for a felony, in which the party convicted shall be sentenced to be punished by death or imprisonment in the state prison) who shall be sentenced to confinement at hard labor or to solitary imprisonment by any court held in said county of Milwaukee, or who may be authorized to be confined therein by any of the provisions of this act.

Special meeting—how called.

SEC. 2. The clerk of said board of supervisors, on receiving a written request to that effect, from any five members of the said board, shall immediately call a special meeting of such board, which shall, when called, be a legal meeting of such board, for all lawful purposes, as well as for the purposes of proceeding under this act. Such special meeting shall be called by the clerk, by sending by mail to each of the members of said board, a written notice of the time and place of such meeting, at least six days before the day of such meeting, and publishing a copy of such notice at least six days before such meeting, in two public newspapers, in said county; but no such meeting shall be informal or illegal on account of any defect in such notice or the publication thereof, if four-fifths of the members of such board shall attend such meeting. The said board at such meeting, or at the next annual meeting of such board, shall appoint three commissioners who, or a majority of them, after taking the constitutional oath of office, shall, without unnecessary delay, select a proper site, for the location of said building or buildings, with proper grounds to be attached thereto, and

To publish notice of meeting

Commissioners to locate building.

make a conditional contract therefor, subject to the approval and confirmation of the said board, and report such location and contract, together with a detailed plan for the construction, management and discipline of said house of refuge, and the improvements of such grounds, and the erection of the necessary out-buildings, and also an estimate of the expenses of the land for the site, and the improvements thereof, and of the construction of the said building or buildings and out-buildings, to the board of supervisors at their next annual meeting. In case of a vacancy in the said board of commissioners, by death, resignation, removal from said county, refusal or neglect to serve or otherwise, such vacancy shall be filled by an appointment by the judge of the circuit court of said county of Milwaukee. The said commissioners shall receive for their services, such sum as the board of supervisors shall allow, not exceeding three dollars for each day while actually engaged in the discharge of their duties, and such expenses as shall be actually incurred by them, in obtaining the necessary plans, estimates and information preparatory to the report to be made by them as aforesaid; such several sums to be paid by the said board of supervisors, and the amount thereof added to the sum to be raised by tax as hereinafter mentioned.

To fill vacancy

SEC. 3. Upon such report being made, the said board of supervisors shall examine the same and determine thereupon, and may alter, modify, reduce or increase the site, plan or expenses of construction of said building or buildings and out-buildings, as specified in such report, in such manner and to such extent as to them shall seem fit, expedient or necessary, and shall then determine whether they will authorize said commissioners to procure a site for such house of refuge and erect the same. The said commissioners whenever they shall be empowered so to do, by the said board of supervisors, shall purchase or procure the lands necessary for said house of refuge according to the directions and determination of such board, and shall thereupon proceed to construct the same, at such place and on such plan, in all respects, as the said board of supervisors shall, in manner aforesaid, have approved and directed; but before the said commissioners, or either of them, shall enter upon the construction of said house of refuge, or be entitled to draw or receive any moneys for any of the purposes mentioned in this act, they shall severally file in the office of the county treasurer of

Supervisors may alter plan, &c.

Commissioners' bond.

said county, a bond to the said county of Milwaukee, executed by themselves severally, with two sufficient sureties, to be approved by said county treasurer, in the penal sum of thirty thousand dollars, and conditioned for the full and faithful performance of their duties as such commissioners, and the accounting to said board of supervisors, at each annual meeting, and oftener if required by them, for all moneys received by them as such commissioners. If any such bond shall be forfeited, the same shall be prosecuted under the direction of said board of supervisors, and all sums recovered for the breach of the condition thereof, applied to the erection, completion and furnishing of said house of refuge.

Management.

SEC. 4. The management of said house of refuge, when completed, shall be under the control and direction of the said board of supervisors, through such commissioners and officers as they may appoint for such purpose; and such board of supervisors is hereby authorized to establish and adopt, from time to time, at any annual meeting of said board, such rules for the regulation and management of said house of refuge, and the support employment and discipline of the persons confined therein, and to appoint such commissioners and other officers to take charge thereof, and prescribe their compensation and duties, and require from them such bonds and securities as to them may seem proper, expedient and fit, and generally to make all such by-laws, rules and regulations in relation to the government and management thereof, as they shall deem expedient; but the person who shall be appointed principal keeper of such house of refuge, shall hold his office for the term of two years, unless sooner removed by said board, for incompetency, improper conduct or other causes, to be particularly assigned in writing, and entered on the minutes of said board, with the ayes and noes upon the adoption of the resolution for such removal. No such by-laws shall be finally adopted by said board of supervisors on the same day on which the same shall be first presented to said board for consideration, nor until the same shall have been considered and reported upon by a select committee appointed for that purpose.

Principal keeper—removal.

May borrow money.

SEC. 5. The said board of supervisors are hereby authorized to borrow, from time to time, on the credit of the county of Milwaukee, such sum or sums of money, as shall be necessary to defray all the expenses of procuring the site and completing the erection of said house of refuge

and suitable out-houses, yard and appurtenances, and of procuring the necessary furniture and fixtures, and other things in and about the same; and the said board is hereby authorized and required to levy and collect a sum sufficient to repay the principal sum, so borrowed, in not less than ten nor more than twenty equal annual installments, and also the interest that shall become due on the same, which shall be levied and collected on and from the taxable property in the county of Milwaukee, in the same manner as other county charges are levied and collected; and the said board or the county treasurer, under their direction, shall, from time to time, pay such drafts as may be drawn by said commissioners or a majority of them, for the cost of said site, and the erection of the said house of refuge, not exceeding the amout at which such cost may have been fixed by said board, in case said board of supervisors shall have fixed the same. The county treasurer of said county, under the direction of said board of supervisors, may execute to the person or persons from whom such moneys may be borrowed, such bond or bonds for the re-payment thereof, as may be necessary or proper, which bonds shall be binding upon said county of Milwaukee, and shall draw interest at the rate of seven per centum per annum.

County treasurer to issue bonds.

SEC. 6. The expenses of maintaining said house of refuge, over and above all receipts for the labor of persons confined therein, and for the support of prisoners therein, whose support is not chargeable to said county of Milwaukee, shall be audited and paid by the said board of supervisors, yearly, at their annual meeting, and shall be raised, levied and collected as part of the ordinary expenses of said county of Milwaukee.

Expenses.

SEC. 7. Whenever the said house of refuge shall in the opinion of said commissioners or a majority of them, be so far completed as to insure the safe confinement and employment therein of persons intended to be confined therein, they shall make triplicate determinations thereof, under their hands and seals: one of which they shall file in the office of the clerk of the circuit court of said county; one other they shall file with the police justice of the city of Milwaukee, and the other they shall cause to be published in the several newspapers published in the county of Milwaukee.

Filing of determinations by commissioners.

SEC. 8. The circuit court in and for said county of Milwaukee, at the first term thereof after the filing of the

To transfer persons from

county jail to house of refuge

said determination, shall, by an order to be entered in its minutes, upon the motion of the district attorney of Milwaukee county, direct all persons then confined in the jail of said county, and who by the terms of this act are authorized to be confined in said house of refuge, to be transferred to said house of refuge, and there to be confined until the term for which they were sentenced to be confined in said jail shall have expired; and in said order shall be inserted the said determination, at length, the names of the said persons respectively, the offence or cause for which they were committed, the court by which they were committed, the day of commitment, and the day on which their sentences will severally expire.

Order to sheriff to transfer.

SEC. 9. The clerk of the circuit court shall cause two copies of said order to be made, and to be attested by his hand and the seal of said court, which he shall deliver to the sheriff of Milwaukee county: and said sheriff shall forthwith transfer the persons named in said order to said house of refuge, and shall deliver said persons, with one copy of said ordor, to the principal keeper of said house of refuge, and take his receipt therefor; thenceforward the persons named in said order, shall be detained and held to labor in said house of refuge, for the same term of time they would have been required to remain in said jail, if this act had not been passed; and the said sheriff shall from that time be discharged from all liability on account of said persons.

Persons to be confined in house of refuge

SEC. 10. After the said determination shall be published as hereinbefore prescribed, every court, justice, magistrate or other officer, in the county of Milwaukee, that shall be authorized by law to commit or sentence any person to the county jail of Milwaukee county, as a vagrant, disorderly person or common prostitute, or by virtue of a final sentence for any offence, or upon a final conviction in any case (except for contempt) may sentence such person to be confined in said house of refuge for such time as such person might have been sentenced to be confined in the county jail, if this act had not been passed; and in addition to any sentence now authorized by law to be pronounced in such case, may sentence such person to be confined at hard labor, or to solitary confinement, in whole or in part, or in part to each, at the discretion of such court of [or] officer.

Duty of officers.

SEC. 11. The officers having charge of said house of refuge shall, under the direction of the board of supervisors of said county of Milwaukee, place all such persons as

shall be confined therein, at such employment or employments, as shall be deemed fit and proper, and most conducive to the interests of said county of Milwaukee; and it shall be the duty of such officers to cause all male children under the age of eighteen years, and all female children under the age of sixteen years, who shall be legally committed to the said house of refuge, to be instructed, during their minority, in such branches of useful knowledge as shall be suitable to their years and capacities; and they shall have power, in their discretion, to bind out the said children, with their consent, and the consent of their parents, if living, if not living, then with the consent of their guardians, as apprentices or servants, during their minority, to such persons, and at such places, to learn such proper trades or employment, as in their judgment will tend most to the reformation and amendment, and the future benefit and advantage of such children.

Apprentices, &c.

SEC. 12. All and singular the clauses and provisions contained in chapter eighty-one of the revised statutes, entitled "of masters and apprentices," shall apply to the apprentices and servants, and the persons to whom they shall be bound, under and by virtue of this act, and every minor so bound, and the officers binding him, and his master, shall be subject to all the provisions of said chapter.

Supervisors may contract to receive persons from any other county.

SEC. 13. After the said house of refuge shall be completed, the board of supervisors of the said county of Milwaukee may contract with the board of supervisors of any other county, upon such terms as may be agreed upon by said board, to receive into said house of refuge any person that may be sentenced to confinement therein by any court, justice, or other officer of any such other county, for such offences as such court, justice, or other officer may, by law, have a right to sentence to confinement, in the jail of the county in which such person may be sentenced: and any officer to whom the process of commitment in such case may be delivered for execution, shall by virtue of such process, convey such person to the said house of refuge, and deliver him or her to the principal keeper thereof: and such keeper shall detain such person upon such sentence, and shall treat such person in the same manner, as if he or she had been sentenced to like imprisonment therein, by any court, justice or other officer, in the county of Milwaukee. After such contract shall be made by the board of supervisors of the county of Mil-

waukee, with the board of supervisors of any other county, and so long as the same shall remain in force, the courts, justices and other officers of such other county, shall have the same power, jurisdiction and authority, to sentence and commit persons to such house of refuge, as is or shall be possessed or rightfully exercised by the courts, justices or other officers of the county of Milwaukee.

In construction of house of refuge may employ persons in Milwaukee jail.

SEC. 14. The county judge of Milwaukee county, the police justice of the city of Milwaukee, and the district attorney of said county of Milwaukee, or any two of them, may, in their discretion, make such order, for the employment upon said house of refuge, while the same is in course of construction, of such persons, as may, for the time being, be confined in the jail of Milwaukee county, upon final sentence of summary conviction, or as disorderly persons or vagrants, as they may deem beneficial to the county of Milwaukee; and such order shall be in writing and signed by such officers, and shall be carried into effect by the sheriff of said county.

Board of visitors.

SEC. 15. The county judge, district attorney and sheriff of Milwaukee county, and the mayor and police justice of the city of Milwaukee, shall constitute a board of visitors, whose duty it shall be, to examine into and investigate the affairs of such house of refuge, on the first Monday of August in each year; and such board of visitors shall make a report in writing to the board of supervisors of the county of Milwaukee, at their regular annual meeting, in each year, setting forth the condition of such house of refuge, and suggesting such alterations and improvements in the management, discipline and government of the same, as seem fit and proper, and most conducive to the punishment and reformation of the prisoners therein confined, and to the interests of said county of Milwaukee.

SEC. 16. This act shall take effect immediately.

Approved March 30, 1855.

Chapter 319.

An Act to incorporate the Beaver Dam and Baraboo Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. Patrick A. Bassett, James Maxwell, Richard H. Davis, David Updegraff, Robert V. Bogert, Robert J. Norris, William Farmington, Louis E. Schuyler, Samuel L. Rose, A. A. Brayton, O. C. Howe and A. Scott Sloan, and they and their successors and associates, to be determined as hereinafter provided, are hereby made, constituted appointed and declared to be a body politic and corporate, by the name and style of the "Beaver Dam and Baraboo Railroad Company;" and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed, and may take and hold such estate by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break or renew the same at pleasure; and by that name they may sue and be sued; plead and be impleaded; answer and be answered; defend and be defended; contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Title.

Capital stock. SEC. 2. The capital stock of said company shall be divided into such number of shares, of one hundred dollars each, as the directors shall from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, and shall require three dollars on each share of stock subscribed to be paid at the time of subscribing.

To open books

First directors. SEC. 3. That the persons named in the first section of this act shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred

by this act upon the board of directors elected by the stockholders as hereinafter provided; and as soon as five hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders; and they shall immediately give not less than thirty days' notice in a newspaper in some county into which said road runs of an election of nine directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Close the books.

Management.

SEC. 4. All of the affairs of said corporation shall be managed by a board of nine directors, who shall be stockholders, and the board of directors is hereby invested with all the powers of the corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If for any cause an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time, on thirty days notice given as aforesaid, and until after such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities by reason of the irregularity or want of any such election.

Elections.

Quorum.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall ap-

point one of their own number to be president, who shall serve for one year, or until other directors are elected.—The president when present, shall preside at all meetings of the directors and stockholders, and in case of his absence, the directors present may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and such other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate, to determine the amount of installments to be paid, from time to time, on such subscriptions, and to forfeit to the use of the company the share or shares of any persons failing to pay any installments, as also all previous payments thereon, and also in their discretion, on the request of any stockholder, to cancel his stock, and to refund to such stockholder, the amount paid by him or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, co-partnership or corporation, whatever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they may think proper with any other railroad company, for the leasing of the whole or any part of any railroad, constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company, and mutual powers are hereby conferred on all such companies in this behalf, to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution and laws of this state, as they may think proper, for the well ordering of the affairs of said company, and the same from time to time alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Directors shall appoint officers.

Powers of directors.

Stock personal property and transferable.

SEC. 6. All shares of stock in this company owned by any person shall be deemed personal property, and shall be transferable in such manner and form at such place, and under such regulations, as shall be prescribed by the by laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors or by the stockholders holding one-half of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Routes.

SEC. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks from such point at or near the village of Beaver Dam, in the county of Dodge, as shall be determined upon by the board of directors, to Baraboo, in the county of Sauk, and to St. Croix River; and the said company shall have power

Transportation.

to transport, take and carry, property and persons, upon said road, by the power and force of steam, of animals, or any mechanical or other power, or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad; and they shall have power to connect the said road with any other road in this state, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner, and for this purpose mutual powers are conferred on all such companies, and to transport persons and property in boats, vessels and barges, on the Wisconsin and Mississippi rivers and tributaries, and to receive and collect reasonable compensation for the same.

May borrow money.

SEC. 9. The said company are hereby authorized and fully empowered in its corporate capacity to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom such money may be obtained;

any law on the subject of usury to the contrary, notwithstanding; and to make, execute, and deliver in or out of the state, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind, as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and to make, execute, sell and deliver at private or public sale, in or out of this state, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage or mortgages upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporations and upon all other parties to such contracts.

May construct their road over any highway.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon, and along, across, under or over any public or private highway, road, street, plank road or railroad, if the same be necessary, but the said company shall restore such highway, road, street, plank road or railroad to its former state, as near as may be, or so as not to impair the usefulness of the same, and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course at such points of crossing the same, as they shall locate the said road, with all necessary abuttments, piers or other foundations.

May enter on any land.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet,

as the chief engineer of said company shall in writing, to be signed by him decide and declare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses, or other fixtures and grounds about the same for the operation and business of said road, or for making drains and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct, or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel, or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials, for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided, and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same, and whenever, in the opinion of the company, the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

Compensation for damages.

Compensation

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which, by the provisions of this act, they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company, in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disability, then with the guardian of such minor, non compos, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if

not such resident, to their agent, if any in such county, such sum as the company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the sixth judicial circuit either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners, by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another copy to such owner, guardian or husband, if resident of the county in which such land shall lie, and if not shall deposit the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies, and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs; and either party may, within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners; and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff and the said company as defendant; and the said court shall, upon ten days notice, proceed to ascertain the amount

Commissioners to decide upon amount of compensation.

Award of amount.

May appeal.

of compensation to be paid by said company to the claimant for the taking and using of the said land, and the court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners then judgment shall be rendered in favor of said company for costs, and against said claimants; and when such compensation so to be ascertained according to the provisions of this section shall be paid or tendered to such party, entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid, shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or in equity, and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Judgment.

Competency of witnesses, &c.

SEC. 13. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror, in any such suit or proceeding for the reason that such person is a stockholder in said company.

Rate of transportation.

SEC. 14. On the completion of said railroad or any section of the track not less than four miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or pro-

perty, and the storage of property, as they shall from time to time think reasonable.

Misdemeanor.

SEC. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Fencing.

SEC. 16. Said company, before opening their road through enclosed grounds, shall erect such fences as shall preserve such enclosure entire, unless they shall otherwise agree with the owner or occupant; and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road through all such enclosed grounds, and shall maintain the same, unless they shall otherwise agree as aforesaid.

First meeting of directors.

SEC. 17. The first meeting of the directors and of the stockholders of said company, shall be called by at least a majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind or abolish any one regulation or by-law of said company.

Public act.

SEC. 18. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the state, shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

May increase capital tock.

SEC. 19. The said company may from time to time increase their capital stock to an amount not exceeding five millions of dollars.

When privileges cease.

SEC. 20. The privileges and immunities and franchises hereby granted shall cease and be null and void unless the said company shall, within five years, construct and put in operation at least ten miles of their road; and said company may extend their line of road so far as may be neces-

sary to connect with other railroads, with which this company shall agree to connect its business or to consolidate its stock as hereinbefore provided.

Number of directors to be elected.

SEC. 21. The board of directors hereby created, or hereafter to be elected, may from time to time determine and fix the number of directors to be elected at any election next to be had; or may increase their number at any time so that the number shall never be less than five nor more than fifteen.

Approved March 31, 1855.

Chapter 320.

An Act to incorporate the Madison, Fond du Lac and Lake Michigan Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Leonard J. Farwell, James T. Lewis, Samuel L. Rose, Robert V. Bogart, Lewis E. Schuyler, M. D Miller, William Farrington, John Q. Adams, N. M. Donaldson, C. A. Eldridge, and A. Scott Sloan, their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the name and style of the "Madison, Fond du Lac and Michigan Railroad Company;" and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break or renew the same at pleasure; and by that name they may sue and be sued; plead and be impleaded; answer and be answered; defend and be defended; contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Title.

SEC. 2. The capital stock of said company shall be divided into such number of shares, of one hundred dollars each, as the directors shall from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days notice of such times and places, by publishing the same in a newspaper printed either at any village or in either of the counties, into or through which, said road may pass, and shall require three dollars on each share of stock subscribed to be paid at the time of subscribing. Capital stock. To open books

SEC. 3. That the persons named in the first section of this act shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided; and as soon as five hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders; and they shall immediately give not less than thirty days notice, in a newspaper as aforesaid, of an election of nine directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected. First directors. Close the books.

SEC. 4. All of the affairs of said corporation shall be managed by a board of not more than nine directors, who shall be stockholders, and the board of directors is hereby invested with all the powers of the corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held; and in all Management.

elections for directors, those stockholders equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If for any cause an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time, on thirty days notice been given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities by reason of the irregularity or want of any such election.

Elections.

Quorum.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, who shall serve for one year, or until directors are elected.—The president when present, shall preside at all meetings of the directors and stockholders, and in case of his absence, the directors present may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate, to determine the amount of installments to be paid, from time to time, on such subscriptions, and to forfeit to the use of the company the share or shares of any persons failing to pay any installments, as also all previous payments thereon, and also in their discretion, on the request of any stockholder, to cancel his stock, and to refund to such stockholder, the amount paid by him or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, co-partnership or corporation, whatever, as the execution and management

Directors shall appoint officers.

Powers of directors.

of the works and the convenience and interests of the company may require; to make any contract or agreement which they may think proper with any other railroad company, for the leasing of the whole or any part of any railroad, constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company, and all such companies shall have mutual powers in their behalf, to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution and laws of this state, as they shall think proper, for the well ordering of the affairs of said company, and the same from time to time alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Stock personal property and transferable.

SEC. 6. All shares of stock in this company owned by any person shall be deemed personal property, and shall be transferable in such manner and form, at such place, and under such regulations, as shall be prescribed by the by laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding three fifths of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Routes.

SEC. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks from such point in or near the village of Madison, in the county of Dane, as shall be determined upon by the board of directors, to the city of Fond du Lac, and thence to Lake Michigan, at such point as said company shall deem most advantageous: *Provided*, the said road shall not be located or build [built] east of the village of Columbus, in Columbus [Columbia] county; and shall have power to transport, take and carry, property and persons, upon said road, by the power and force of steam, of animals, or any mechanical or other power, or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road and those using it; to manufacture or pur-

Transportation.

chase and own all necessary engines, tenders, cars and other conveniences for running said railroad; and they shall have power to connect the said road with any other road in this state, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner, and mutual powers in this behalf are hereby conferred on all such companies, and to transport persons and property in boats, vessels and barges, on Lake Michigan and confluent waters, and to receive and collect reasonable compensation for the same.

May borrow money.

SEC. 9. The said company are hereby authorized and fully empowered in its corporate capacity to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom such money may be obtained; any law on the subject of usury in this state to the contrary notwithstanding, and to make, execute and deliver, in or out of the state, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that may incur in the construction, repair, equipment, or running of said road; and to make, execute, sell and deliver, at private or public sale, in or out of this state, bonds, in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage or mortgages, upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances; and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporations and upon all other parties to such contracts.

May construct their road over any highway.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plank road or railroad, if the same be necessary, but the said company shall restore such highway, road, street, plank road or railroad, to its former state, as near

as may be, so as not to impair the usefulness of the same; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course, at such points of crossing the same as they shall locate the said road, with all necessary abuttments, piers or other foundations: *Provided*, The erection of said bridges, abuttments, piers, &c., shall not interfere with the free navigation of any navigable stream.

May enter on any land.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which such lands are located, decide and declare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses, or other fixtures and grounds about the same for the operation and business of said road, or for making drains and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title of such land shall vest in said company in fee simple, and the said company shall have the right to hold the same, and whenever, in the opinion of the company, the same, or any part thereof, shall be no longer necessary for the purposes

Compensation for damages.

for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

Compensation.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands, upon which, by the provisions of this act, they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien, or incumbrance, shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such minor, *non compos*, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall by its agent offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any in such county, such sum as the company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the sixth judicial circuit, either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given notice as they may deem reasonable to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land to [so] taken for any of the purposes aforesaid, and

Commissioners to decide upon amount of compensation.

Amount of award.

shall deliver one copy of their award to the said company, and another copy to such owner, guardian or husband, if resident of the county in which such land shall lie, and if not, shall deposit the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies, and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs; and either party may within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff and the said company as defendant, and the said court, upon ten days notice, shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for the taking and using of the said land, and the court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation; and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation, so to be ascertained according to the provisions of this section, shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands to [so] taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such pro-

May appeal.

Judgment.

ceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or in equity, and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Competency of witnesses, &c.

SEC. 13. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror in any such suit or proceeding, for the reason that such person is a stockholder in such company.

Rate of transportation.

SEC. 14. On the completion of said railroad, or any section of the track not less than four miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property and the storage of property as they shall from time to time think reasonable.

Misdemeanor.

SEC. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a felony, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Fencing.

SEC. 16. Said company before opening their road through enclosed ground shall erect such fences as shall preserve such enclosures entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road, through all such enclosed grounds, and shall maintain the same, unless the said

company shall otherwise agree with the owner or occupant of such lands as to such fencing.

First meeting of directors.

SEC. 17. The first meeting of the directors and of the stockholders of the said company shall be called by at least a majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind, or abolish, any one regulation or by-law of said company.

Public act.

SEC. 18. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the state, shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

May increase capital stock.

SEC. 19. The board of directors, may, at any time, increase or diminish the number of directors to be elected at any future election: *Provided* such number shall not be less than five, nor more than fifteen. The amount of the capital stock of said company shall not exceed six millions of dollars, and may from time to time be increased, to not exceeding that sum.

When privileges cease.

SEC. 20. The privileges and immunities hereby granted to said company shall be null and void, should they not have ten miles of said railroad in actual operation within five years from and after the passage of this act.

Approved March 31, 1855.

Chapter 321.

An Act to incorporate the Racine Marine and Fire Insurance Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporator

SECTION 1. That all such persons as do become stockholders in the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate, by the name and style of the Racine [Marine] and Fire Insurance Company of Wisconsin; the office of said company shall be in the city of Racine, in this state.

Title.

Capital stock.

SEC. 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and there shall be paid into the treasury of said company, by each subscriber to the capital at the time of subscription, an installment of ten per cent. on the stock by him subscribed, the remainder to be paid, or to be amply secured to be paid on real estate, or other securities, as the commissioners hereinafter mentioned, shall deem sufficient, and until one thousand shares of said stock is subscribed for and paid, or secured to be paid as aforesaid, said company shall not commence business.

Management.

SEC. 3. The stock, property and affairs of said corporation shall be managed and conducted by seven directors, and such officers, clerks and agents, and other persons as said trustees may appoint from time to time; said directors shall divide themselves into three classes; the term of the first class shall expire on the first Monday of February succeeding their election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire successfully on the first Monday of February in the following year, or as soon thereafter as others are elected in their stead; nothing herein contained shall prevent the re-election of a director; the annual election for five directors shall be held on the first Monday of February in each year, at such place in the city of Racine as a majority of the directors may appoint, and the polls of said election shall be opened at two o'clock, and remain open until four o'clock, P. M., of said day, of which notice shall be given in some public newspaper, published and circulated in the county of Racine, at least two weeks previous to said election; said election shall be held under the direction of three stockholders, to be appointed by a majority of the directors, and directors shall be elected by a plurality of the votes of the stockholders present at said election, and their proxies, allowing one vote for every share of stock subscribed.

Election.

Directors to choose a president.

SEC. 4. It shall be the duty of the directors on organizing, and annually thereafter, to choose from their number a president, and they may in the same manner elect a vice-president and secretary; the vice-president's duty shall be to perform all the duties of the president in case of his absence or inability.

Commissioners.

SEC. 5. A. P. Dutton, Elisha Raymond, John G. Conroe, Charles Herrick, George C. Northrop, N. D. Fratt

and James Neild, shall be commissioners to the capital stock of said company, and when said stock shall be subscribed and paid or secured to be paid as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by advertisement, published at least one week previously, in some newspaper published in the city of Racine, stating the time and place at which such meeting shall be held, and shall by ballot elect the first directors of said company; said commissioners shall act as inspectors of said election, and if there should be any deaths or resignations from the commissioners above appointed, then the remainder shall appoint others to fill the vacancies.

Power to insure.

SEC. 6. The said company shall have power to make insurance upon vessels, freights, goods, wares, merchandize, specie, jewels, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation; also, upon dwelling houses, stores, and all kinds of buildings, household furniture and merchandize, and all other property, against [loss] on sale or damage by fire, and re-insure the same, and also all and every insurance appertaining or connected with life insurance, and to cause themselves to be insured when deemed expedient, against any risk or risks on which they have or may make insurance.

Policies of insurance binding with or without seal.

SEC. 7. All policies of insurance or other contracts authorized by this act, which may be made and entered into by this corporation, may be with or without seal thereof, and shall be subscribed by the president or vice-president, and attested by the secretary, and being so signed, executed and attested, shall be binding and obligatory upon said corporation.

May hold real estate, &c.

SEC. 8. It shall and may be lawful for said company to take and to hold any real estate or securities, mortgages, or pledges to the said company, to secure the payment of any debt which may be contracted by or with said company, and to foreclose the same, and to purchase on sale made by virtue of any judgment at law, or by order or decree of any court of equity or any other legal proceeding, or otherwise to receive or take any real or personal estate in payment, or towards satisfaction of any debt previously contracted, and due to the said company, and to hold the same until they can conveniently sell and con-

vert the same into money or other personal property, and also to invest the capital stock or so much of the surplus profits, as they may deem fit, in such manner as the directors shall decide and call in, and re invest the same so often as it shall be deemed necessary for the interest of said company.

Capital stock transferable.

SEC. 9. The capital stock of said corporation shall be transferable according to the rules and regulations prescribed by the directors, and every subscriber of any share or shares of said stock who shall neglect to pay the installments aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said company or corporation, and all payments made thereon, and all profits that may have arisen thereon.

To make a dividend.

SEC. 10. It shall be lawful for the directors of said corporation or company, to make a dividend of so much of the profits of said company as shall appear advisable, but the dividend shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired, and if the said directors shall, at any time, knowingly make a dividend of the capital aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them or any of them, in any court of record in this state, by any creditor of said company, and each director present when such dividend shall be made shall be adjudged consenting thereto, unless he forthwith protest against such dividend and request, his protest to be entered on the minutes of the company, and give further notice to the stockholders of the declaring of such dividend, by advertising his said protest within ten days thereafter, in a newspaper published and circulated in the county of Racine.

Approved March 31, 1855.

Chapter 322.

An Act granting the right to keep and maintain a ferry across the Mississippi river, in the county of Grant.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Nelson Dewey, his associates and assigns and their legal representatives, shall have the exclusive right and privilege, for the period of twenty years, of keeping and maintaining a ferry across the Mississippi river, on sections twenty, twenty-nine, and twenty eight, of township number three, north of range five, west of the fourth principal meridian, in the county of Grant, and no ferry shall be granted within one mile either above or below said sections, so long as this act shall remain in force: *Provided*, This act shall not interfere with any legal ferry, charter or privilege, heretofore granted within the said one mile. May keep and maintain a ferry. Proviso.

SEC. 2. Such ferry shall be subject to the same regulations as shall or may be provided by law, and the rates of toll shall be from time to time determined by the board of supervisors of the county in which such ferry shall be situated, in the manner provided by law. Regulations rates of toll.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 323.

An Act authorizing the first Presbyterian Society of Beaver Dam to borrow money and mortgage its property to pay debts, &c.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The First Presbyterian Society of Beaver Dam, in the county of Dodge, is hereby authorized to hire or loan such sum or sums of money, (not exceeding one Trustees to hire money.

thousand dollars) as a majority of the trustees of said society shall think best, for the purpose of paying debts outstanding at this time against said society, and upon such time and terms as the money can be obtained, under the direction of a majority of its trustees.

To secure payment by mortgage.

SEC. 2. The said society is hereby authorized to secure the payment of any such sum or sums of money so hired or loaned, by mortgage upon any or all estate real or personal, which said society now or may hereafter own, or be possessed of, anywhere in this state, which mortgage or mortgages may be executed by a majority of the trustees of said society, and shall be sufficient and valid when so executed and recorded, to pass the entire interest and title of said society of, in and to any property which may be so mortgaged, as fully and completely and with the same effect, as if given by an individual upon individual property, and may be foreclosed in the same manner and with like effect as individual mortgages, either in chancery or by advertisement under the statute; and all process whether mesne or final, upon the foreclosure of such mortgage or mortgages may be served, and shall be sufficiently served upon said society by delivering to any two of its trustees a copy of such process, one copy to each, personally, at least ten days before the return day named therein.

Foreclosure.

Return of subpœna, &c.

SEC. 3. On return of subpœna served as above specified in section two of this act, by the sheriff or other proper officer, the same proceedings may be had against such society for the foreclosure of such mortgage or mortgages, the sale of the mortgage premises, and delivery of possession of the premises sold, in all respects as may be had in other cases of chancery foreclosure: And a majority of the trustees of said society shall have power and are hereby authorized to employ an attorney or attorneys, solicitor or solicitors, to enter the appearance of said society in any court in this state or elsewhere, to defend against the foreclosure of any such mortgage, or to enter up a judgment or decree thereon by confession, as they the majority of said trustees may think best, and the expenses thereof and fees of such attorney or solicitor, shall be a charge against said society, and for the payment of which all its members shall be liable to contribute.

This act to be in force five years.

SEC. 4. This act shall take effect from and after its passage and publication, and shall remain in force five years: *Provided*, That the amount of indebtedness by

any such mortgage shall not at any time exceed the aforesaid sum of one thousand dollars, and interest thereon: *And Provided further:* That said society may within the five years, take up any one or more such mortgaged [mortgages] by giving others for the same purpose, and may if thought best, change securities from time to time, all within the discretion of a majority of the trustees thereof. Proviso.

Approved March 31, 1855.

Chapter 324.

An Act to provide for laying out a State Road therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Washington Woodward, Abel Rosdall and Bennett Britton, are hereby authorized and empowered as commissioners to locate and lay out a state road or highway, to commence at the bridge which crosses Token Creek, so called, near the half section corner on the north side of section number three, in township number eight, of range number ten, in the county of Dane, thence running southwesterly on the most practicable route to the south-west corner of said section No. three; thence running southerly on or near the section lines between sections nine and ten, sixteen and fifteen, twenty-one and twenty-two, twenty-eight and twenty-seven, in said township and range, and terminate the same in the centre of the road running from Madison, in said county, to Columbus, in Columbia county, at or near the half section corner between said sections twenty-eight and twenty-seven. Commissioners.

SEC. 2. The said commissioners shall cause a survey and plat of said road to be made, and cause the same to be filed with the clerk of the board of supervisors of said county of Dane, on or before the first day of January, A. D. 1856; and they shall appraise and settle the damages with the owners of the land, over which the same may pass, giving them a just compensation therefor, which damages shall be certified by said commissioners to the town clerk of said Survey & plat to be made and filed.

township, and audited and allowed by the supervisors of said township, and shall be a proper charge against the same.

Public highway.

SEC. 3. The said road when laid out according to the provisions of this act, shall from thenceforth be a public highway, and shall be opened and worked as other highways in said township.

SEC. 4. This act shall take effect and be in force from and after its pasage.

Approved March 31, 1855.

Chapter 325.

An Act to authorize the erection of a dam therein mentioned.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To construct a dam.

SECTION 1. That Caleb S. Ogden, Olof E. Dreutzer and their associates, their heirs and assigns, be and are hereby authorized to construct a mill dam across the St. Lawrence creek, on any land owned by them on section number twenty-two (22,) township number twenty-three (23), north of range number twelve (12) east, being in the county of Waupacca, state of Wisconsin.

Damage in case of overflowing lands.

SEC. 2. In the event that such dam shall cause the water to flow back on any land not owned by them, the said Ogden and Dreutzer, or their associates or assigns, or any or either of them, who are hereby authorized, then they, or either of them, shall pay to the owner or owners thereof, such sum as such lands shall be reasonably worth irrespective of any enhancement of the value thereof occasioned by the erection of the said dam, such value to be ascertained by the verdict of the jury in an action of trespass (and by no other action) to be brought by said owner or owners in any court of record in the said county of Waupacca.

Public act.

SEC. 3. This act is hereby declared a public act, and shall be printed immediately after the passage thereof, and when so printed shall take effect.

Approved March 31, 1855.

Chapter 326.

An Act to repeal section twelve of an act entitled "An Act to authorize certain Counties, Towns and Villages to aid in the construction of the Green Bay, Milwaukee and Chicago Railroad, and to amend said act so as to allow the Towns of Mequon and Cedarburg to aid in the construction of said Road.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of chapter two hundred and eighty-eight of the session laws of 1854, entitled "an act to authorize certain counties, towns and villages, to aid in the construction of the Green Bay, Milwaukee and Chicago Railroad," approved April 1, 1854, is hereby repealed. To repeal.

SEC. 2. The towns of Mequon and Cedarburg, in the county of Ozaukee, are hereby authorized to exercise the same rights and privileges, and shall be subject to the same obligations and duties as the other towns in said county, under and by virtue of the said chapter two hundred and eighty-eight. Towns to exercise same rights.

Approved March 31, 1855.

Chapter 327.

An Act to discontinue and vacate a certain part of a county road.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all that part of the county road running from Madison, in Dane county, to Eagle Point, in said county, that lies between the quarter section line running east and west through section number twenty-seven, in township number nine, north of range number ten, east, in said county, and the south west corner of section number four, in said town, be and the same hereby is vacated and discontinued. To vacate.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 328.

An Act to vacate a certain street in the village of Beloit, in Rock county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Third street, in Noggle's addition to the village of Beloit, in Rock county, is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 329.

An Act to authorize the Supervisors of the Town of Beloit, in Rock County, to borrow money to build a Bridge.

The people of the State of Wisconsin, represented in senate and Assembly, do enact as follows:

May borrow money.

SECTION 1. The board of supervisors of the town of Beloit, in Rock county, are hereby authorized to borrow a sum of money not exceeding ten thousand dollars, for the purpose of aiding in the erection of a bridge across Rock river, in said town, on or near the [place where the] bridge now stands.

To issue bonds

SEC. 2. For the purpose of carrying out the provisions of the preceding section, said supervisors are hereby authorized to issue the bonds of such town of such denomination, as they may deem proper, bearing such interest, not exceeding ten per cent., and payable at such time and place as they may deem advisable, not exceeding twenty years from the date of such bonds.

Bonds to be issued under seal.

SEC. 3. Such bonds shall be issued under the seal of said board of supervisors, signed by the chairman, and countersigned by the clerk of the said town, and may be negotiated by such person as said board shall authorize in writing, under their hands and seal, for that purpose.

Interest on

SEC. 4. It shall be the duty of said board of supervisors to levy such sum annually as will be sufficient to pay the

interest on said bonds, which amount shall be levied and collected in the same manner as other town taxes are levied and collected, and the good faith of said town shall stand pledged for punctual payment of the interest on said bonds, and their ultimate payment at the expiration of the time for which such loan may have been obtained.

Tax to pay bonds.

SEC. 5. At or before the time when said bonds become due, it shall be the duty of said supervisors to levy a tax sufficient to pay the same, in the same manner as aforesaid.

To vote on issuing bonds.

SEC. 6. Before the issuing of the bonds aforesaid, the question shall be submitted to the legal voters of said town, at such time as shall be called by the said board of supervisors, by giving ten days' notice thereof, in such manner as they shall deem advisable; such election shall be conducted in all respects as other town elections, and the votes shall be canvassed and returned in the same manner as other town elections. The votes at such election shall be by ballot, and shall be written or printed, "For the Bridge Loan," or, "Against the Bridge Loan;" and if a majority of the votes cast at such election be for the bridge loan, then said bonds shall be issued as aforesaid; otherwise said bonds shall not be issued.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 330.

An Act to incorporate the Wisconsin River Hydraulic Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. The following named corporators, viz: Garret Vliet, Andrew Dunn, Anson Eldred, John Anderson, and John B. Vliet, and all such persons as shall become associated with them, and their successors, are hereby declared to be a body corporate, under the name and style of the "Wisconsin River Hydraulic Company," and as such corporation shall have perpetual succession, and be

capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, both in law and equity, in all courts, and of making and entering into contracts with other parties; of purchasing, holding and conveying real, personal and mixed estates; of having a common seal, and making and changing the same at pleasure; of appointing all such officers, agents and servants as to them may seem necessary and proper for conducting the business and protecting the interests of said corporation, and prescribe the compensation to be paid for all services rendered by the persons so appointed; and generally to do all such acts and things as may be necessary for carrying out the objects of said corporation.

May hold and convey estates.

May erect a dam, &c.

SEC. 2. Said corporation shall have power, and is hereby authorized, to erect and maintain a dam across the Wisconsin river, on sections nine (9), ten (10), and fifteen (15), or either of them, in township thirteen north, and range six, east, in the counties of Columbia and Sauk, but not so high as to interfere with the navigation of said river by rafts of logs or lumber, and to erect and use mills, manufactories and other machinery of whatever kind, to construct and use booms, wharves, storehouses and other buildings, to make and use races and other water courses, and to make use of the water for hydraulic purposes, and to authorize the same to be done by other parties for a consideration to be agreed on by and between said corporation, and such other parties as may desire to be interested therein.

Management.

SEC. 3. The affairs of said corporation shall be managed by a board of five directors, to be elected at such times and in such manner as shall be prescribed by the by-laws of said corporation or by resolution of the board, and the five corporators above named, viz: Garret Vliet, Andrew Dunn, Anson Eldred, John Anderson and John B. Vliet, shall be the first board of directors, whose term of office shall continue one year, and until others shall be elected.

To construct a slide or chute.

SEC. 4. The said corporation shall, whenever they shall construct said dam, also construct a slide or chute of such dimensions and requisites as shall comply with the law upon that subject, approved March 2, 1849, applicable to the Wisconsin and its tributaries, for the passage of rafts over said dam.

Damages.

SEC. 5. The said corporation may, within six months from the time said dam shall have been erected, or such races or water courses shall have been made, apply to the

circuit judge of the district, who shall appoint three commissioners to enquire into the damages that may arise to the lands overflowed in consequence of the erection of said dam, and of the making and using said races or water courses. The said commissioners shall, unless otherwise agreed by the parties, within thirty days from the time of their appointment, proceed to make an examination of all the lands damaged by the said overflowing or by said water courses, and shall make out an award in writing to the owner or owners of such piece or pieces of land damaged as aforesaid.

To construct a lock or locks.

SEC. 6. The said company shall construct a convenient lock or locks, not less than one hundred and fifty feet long between the gates, and forty feet wide in the clear of the chamber for the passage of boats, barges and other water craft through the same, and shall maintain said lock or locks, and attend the passage of all boats, barges and other water crafts through the same free of charge to the owners thereof.

Award of damages.

SEC. 7. The said award shall be filed by the said commissioners in the office of the clerk of the circuit court of the county in which said lands shall lie, within ten days from the time it shall have been rendered, and shall remain a lien upon the goods and chattels of the said corporation, until the term of the circuit court thereafter next succeeding, when by motion of any party interested, a judgment may be entered up and execution issued in the same manner and with the same effect as judgments are entered and executions issued in civil suits in the circuit court; the said decision and award shall be final, unless appealed from as provided in the next succeeding section: *Provided*, If said award or final judgment is not paid within sixty days after the rendition of such award or final judgment, then it shall be the duty of the court to order the said dam to be taken down.

Proviso.

May appeal.

SEC. 8. Any par y conceiving himself aggrieved by said award, may appeal within twenty days from the time of making said award, to the circuit court of the county in which the land may lie, in the same manner as is provided by law for appeals from the decision of commissioners of the estates of deceased persons.

Capital stock.

SEC. 9. The capital stock of said company shall be four hundred thousand dollars, divided into shares of one hundred dollars each, and shall be subscribed for and taken

in such manner as shall be provided by the by-laws, or by resolution of the board of directors.

Approved March 31, 1855.

Chapter 331.

An Act to incorporate the Chippewa River Boom Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That Dorilus Morisson, Daniel W. Bradley, Gorham L. Baynton, C. C. Washburn, Cyrus Woodman, Chas. G. Hanscome, their associates and successors, be and are hereby constituted a body corporate, by the name of

Title.

the "Chippewa River Boom Company," and may so continue for the space of twenty years; and by that name may sue and be sued, make by-laws not inconsistent with the laws of this state, for the management of their corporate concerns, and have and enjoy all the rights of similar corporations.

May erect a boom.

SEC. 2. That said company may erect and maintain a boom across the nine mile slough, on the Chippewa river, at or near the mouth of the Red Cedar river, for the purpose of stopping and securing logs, cants, sparts, square timber, shingle bolts and other lumber: *Provided*, That

Proviso.

said company shall not detain, for a greater length of time than twenty-four hours, any such logs, timber, lumber, &c., belonging to other parties: *Provided, also*, That said company shall be liable for all damages done to boats by detention, while navigating up and down said rivers, and to all rafts and lumber coming into said boom; which damages may be recovered of said company by the injured party, in an action on the case, in any court of competent jurisdiction: *Provided, also*, That said company shall be liable in an action on the case for any damages arising from any violation of any of the provisions of this act, to be recovered in any court of competent jurisdiction.

SEC. 3. This act may be altered, repealed or amended by any future legislatare.

SEC. 4. This act shall take effect from and after its publication.

Approved March 31, 1855.

Chapter 332.

An Act to Establish the Horicon Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Peter Winter, Martin Rich, H. E. Connet, Chancey Brown, S. N. Rice, William H. Butterfield, and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of the "Horicon Academy;" by which name they and their successors shall be forever known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity; said corporation shall have a common seal, and shall have power to acquire, purchase, use, receive, possess, hold and enjoy property, real and personal, and to sell and convey the same, rent or otherwise lawfully dispose of at pleasure. Corporators. Title.

SEC. 2. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed by the by-laws of said corporation. Stock personal property and transferable.

SEC. 3. Any three of the above named persons shall have power to call a meeting of said association by giving ten days' notice thereof by posting up notices in at least three public places in the village of Horicon, where said corporation is hereby located. Three may call a meeting.

SEC. 4. At the first legally notified meeting the stockholders shall have power to elect by ballot, nine trustees, who shall be stockholders in said company, three of whom shall be stockholders in said company; three of whom shall be elected for one year, and three for two years, and three for three years; and after the first election, the three trustees may be elected by the stockholders annually: *Provided, always*, That all trustees shall hold their offices until others are elected in their place. Election. Proviso.

SEC. 5. At all elections and meetings of said company, each stockholder shall be entitled to one vote for each share owned by him.

Powers of trustees.

SEC. 6. The trustees shall have power, first: To elect from their number a president, secretary and treasurer, also to elect all other subordinate officers of the corporation. Second: To call special meetings of the stockholders, to fill vacancies in the board of trustees. Third: To sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders, also to erect and keep in repair all necessary buildings for the use of said corporation. Fourth: To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in said academy. Fifth: To prescribe the duties and fix the salaries of all the officers of said corpotion, and to remove and suspend them from office, and to appoint others in their place. Sixth: To make all such regulations and by-laws necessary and proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state.

SEC. 7. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 333.

An Act to authorize the establishment of a grade for certain streets in the village of La Crosse.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Commissioners to establish grade.

SECTION 1. George Carlton, Samuel D. Hastings, Walter Brown, John M. Levey and Ebenezer Childs, are hereby constituted commissioners to establish a permanent grade for the streets hereinafter named, and a majority of said persons shall constitute a quorum.

Streets to be graded.

SEC. 2. The said commissioners shall proceed to establish and complete as soon as may be, in the usual manner of establishing street grades, a grade for Front, Second and Third streets, in the village of La Crosse, in this state; also a grade for all the streets running from the river back, comprised in the original plat of said village as far as fourth street.

SEC. 3. The said commissioners shall be allowed and receive such compensation as the board of supervisors of the town of La Crosse shall allow, and said board is hereby authorized and required to receive and audit all such bills and charges as said commissioners may present and claim for all services rendered in pursuance of the provisions of this act. Compensation.

SEC. 4. The said commissioners are hereby authorized to employ such scientific advice and assistance in establishing the grade of said streets as they may think necessary, and the expense of said advice and assistance shall be paid in the same manner as the said commissioners are paid. May employ assistance.

SEC. 5. The expenses of establishing the grade of the streets hereinbefore mentioned, shall be assessed upon the real property upon said streets, (and paid by the owners thereof) by the town board of supervisors, of the town of La Crosse, according to the appraised value as appraised by the town assessors, for the year A. D., 1854, who shall deliver the same to the town treasurer, with instructions to collect the same for the use of the person entitled thereto. Expense to be assessed on the property.

SEC. 6. The said treasurer of the town of La Crosse is hereby authorized and directed to receive such assessment roll as may be delivered to him pursuant to the provisions of section five, of this act, and proceed to collect the several sums of money therein named, in the same manner as town and county taxes are collected, and all laws of this state, relating to the duties of town treasurer, in the collection of town and county taxes, shall refer to, and apply to the collection herein required to be made by the said town treasurer, and in case any owner or owners of the property or any portion thereof, assessed according to the provisions of this act, shall refuse to pay the said sum assessed thereon, the collection shall be made and enforced in the same manner as town and county taxes are collected and enforced, and all laws relating thereto shall apply to the collections herein required to be made. Assessment roll. How collected.

SEC. 7. The grade established in pursuance of this act, shall never be changed or altered, except by act of the legislature of this state. Legislature may alter grade.

SEC. 8. This act shall take effect from and after its passage.

Approved March 31, 1855.

Shall vote on issuing bonds.

SEC. 7. No bonds shall be issued in pursuance of this act until a majority of the legal voters of said city of Milwaukee, voting upon said question, shall vote in favor of the same, at an election which shall be called by the common council of said city for that purpose, to be held at the usual places of holding elections, in the several wards of said city. At such elections, those voting in favor of the loan shall vote a ballot with the words "For the Waterworks Loan" inscribed thereon, and those voting against, shall vote a ballot with the words, "Against the Waterworks Loan," inscribed thereon. Thirty days' previous notice of said election shall be given in at least four newspapers printed in said city, and this act shall be published in connection therewith. Said elections shall be conducted and returns thereof made and canvassed in the same manner as at the general elections in said city.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chaper 336.

An Act to provide for laying out a state road from Dekora to West Point, in Columbia county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to lay out a state road.

SECTION 1. That A. Burlingame, Thomas H. Cross and Aretus Bailey, are hereby appointed commissioners to lay out and establish a state road commencing at any point said commissioners may determine on, at the north line of the town of Dekora, to the south line of the town of West Point, Columbia county.

Expense.

SEC. 2. No part of the expense of laying out or establishing said road, shall be paid out of the treasury of Columbia county, or out of the state treasury.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 337.

An Act to authorize the Counties and Towns through which the Green Bay and Minnesota Railroad passes to aid in their construction.

The people of State the of Wisconsin represented in Senate and Assembly do enact as follows:

What towns may aid, with conditions.

SECTION 1. It shall be lawful for any county through which any portion of which any part of the Green Bay and Minnesota Railroad shall run, or any town or incorporate city or village in such county, to issue and deliver to said company its bonds, payable to such person or persons, trustees or corporation or to said company, at such time, for such sum or sums, at such rate of interest, transferrable by general or special endorsement, or by delivery, and in such manner as may be agreed upon by and between the directors of said railroad company and proper officers of such county, town, incorporate city, or village, as hereinafter provided, and to receive in exchange for such bonds the stock or bonds of said railroad company, in such manner as shall be agreed upon by and between the directors of said railroad company and the proper officers of such county, town, incorporated city or village, as hereinafter provided; but no such bonds shall be issued or delivered to said company, by any such county, town, incorporated city or village, unless a majority of the legal voters who are freeholders of such county, town, incorporated city or village, voting on the question, shall first have voted in favor of such issue in the manner hereinafter prescribed.

Company may issue bonds as security.

SEC. 2. It shall be lawful for the Green Bay [and] Minnesota railroad company to issue its bonds payable to the treasurer of the state, and his successors in office, or to bearer, in sums of one thousand dollars each, which shall not exceed in the aggregate fifteen thousand dollars per mile of the whole of the surveyed line of the said railroad, and bearing an interest not exceeding the rate of ten per centum per annum, payable at such place and at such time, not exceeding twenty years from their date, as said company shall elect, with a provision making them transferrable by general or special endorsement, or by delivery; and all such bonds which shall be delivered to any such county, town, incorporated city or village, in exchange as aforesaid,

shall contain a stipulation guaranteeing the payment of the principal and interest which shall become due and payable on the bonds of said county, town, incorporated city, or village, received in exchange therefor, by said company; and to secure the payment of such bonds and interest, it shall also be lawful for the said company to execute and deliver to the treasuer of the state, and his successors in office, in trust for the use and benefit of the holders of any or all of said bonds, a deed of conveyance, to be called a second mortgage of all the present and future to be acquired property of said company, on the whole of said railroad, including the right of way, and land occupied by said road, together with the superstructure and tracks thereon, and all rails and other materials used thereon, bridges, viaducts, culverts, fences, equipments, depots, grounds, and buildings thereon, engines, tenders, cars, tools, materials, machinery, fixtures, and all other personal property which said second mortgage shall be taken, deemed and held to be subject and subsidary to another deed of conveyance to be called a first mortgage of all the aforesaid property, which said first mortgage shall not be issued to secure the payment of bonds to a greater amount than ten thousand dollars per mile of the whole length of said road, nor bearing a rate of interest greater than at the rate of ten per centum per annum; and whenever such record mortgage shall be delivered to the treasurer of the state, and recorded in the office of the secretary of state, it shall constitute a perfect and indefeasible lien upon said railroad, and upon all the property described in it, subject only to the prior lien created by said first mortgage.

May exchange stocks.

SEC. 3. Whenever the said railroad company shall desire to exchange any amount of its stock or bonds for the bonds of any such county, town or incorporated city or village, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk, or clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president and secretary of such company, and sealed with the common seal of such company; which proposition shall contain a distinct statement of the amount of the stock or of the bonds of said company, which the said company propose to issue to such county, town, incorporated city or village, the time when said bonds shall be payable, the amount for which they shall respectively be issued, the rate of interest which

they bear, and it shall also contain a distinct statement of the amounts of the bonds of such county, town, incorporated city or village, which the said company propose to receive in exchange for its stock or bonds as aforesaid, specifying the person or persons, trustee or corporation to whom they shall be payable, the mode of transfer, the amount of such bonds, the aggregate amount, the rate of interest, and the time of payment. Upon receiving such definite proposition, the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, shall immediately call a meeting of the board of supervisors of such county, or town, or the common council or other proper authorities of such city or village, to take into consideration the proposition of said company; when the said board shall publish or cause to be published a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections in such county, town, incorporated city or village, and at such time as they may designate, which shall not be less than twenty nor more than thirty days from the date of such notice; which notice shall contain a full statement of the proposition made by said railroad company, with reference to the exchange of its stock or bonds, for the bonds of such county, town, incorporated city or village; and shall call upon the voters, who are freeholders, to deposit a ballot, upon which shall be written or printed the words "For the Railroad Proposition," or the words "Against the Railroad Proposition," or other words tantamount thereto.

Elections.

Ballots.

SEC. 4. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, incorporated cities or villages, are by law required to be held and conducted, and the votes cast at such elections shall be counted, canvassed and returned in the same manner as the votes at any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, city or incorporated village, a statement of the whole number of votes cast upon the question, as well as a statement of the number for the railroad proposition, and of the number against the railroad proposition, and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

Manner of conducting election.

On affirmative vote bonds to issue.

SEC. 5. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, incorporated city or village, in pursuance of the provisions of this act, shall as indicated by the official returns of any such election, vote for the railroad proposition, it shall be the duty of the proper officers in every such county, town, incorporated city or village, upon receiving from the directors of said railroad company stocks or bonds in conformity with the proposition of said railroad company, to issue and deliver to the directors of said railroad company the bonds of such county, town, incorporated city or village, in conformity with said proposition.

By whom to be issued.

SEC. 6. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city or village mentioned in this act, are hereby declared to be the chairman of the county board of supervisors and the clerk of the board of supervisors in each county, the chairman of the board of supervisors and town clerk in each town, the mayor and city clerk of such incorporated city, and the president and clerk of each incorporated village; and all bonds issued by any of the said counties, incorporated cities or villages, shall be signed by the proper officers as aforesaid of the said counties, cities and villages, under their corporated seals respectively, and all bonds issued by any such town shall be signed by the proper officers of such town, and have annexed to them the official certificate of the clerk of the county board of supervisors, under his official seal, that they are such officers, and that their signatures are genuine.

Provide to pay bonds.

SEC. 7. Every county, town, incorporated city or village which by the provision of this act is authorized to issue any bonds, shall be severally liable in law, faithfully, promptly, and at maturity, to pay and discharge the principal and interest due upon every such bond, and the seperate faith of every such county, town, incorporated city or village, [shall by the issue of said bonds be irrevocably, invioably pledged for the prompt discharge of every such liability; and every such county, town, incorporated city or village,] shall annually levy a tax on all its taxable property, for the payment of the annual interest on all bonds which it may issue in accordance with the provisions of this act, in addition to all other taxes, equal in amount to the amount of the annual interest on all bonds which it may issue as aforesaid.

SEC. 8. It shall be lawful for any counties through which any portion of which any part of either the Green Bay, Depere and Madison, or Madison, Fond du Lac and Lake Michigan railroads, or any town, or incorporated city or village, in such county, to issue and deliver to said company or companies its bonds, upon the same terms and conditions as are hereinbefore prescribed for the issue and delivery of bonds to Green Bay and Minnesota railroad company, and all the provisions of this act directing the manner in which the issue and delivery shall be made: *Provided*, That the provisions of this act shall not apply to Columbia, Fond du Lac, Sheboygan and Dodge counties. Other companies may have same aid. Proviso.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 338.

An Act to amend chapter 127, of the private and local laws of 1853, amending the charter of the village of Appleton.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of trustees of the village of Appleton, shall have power to divide the territory within its corporate limits, into any number of wards not exceeding three, as in their judgment they may deem convenient and proper. Wards.

SEC. 2. At the annual charter election authorized to be held in said village, by the act of which this is amendatory, polls shall be opened in each and every ward that shall be created, in accordance with the provisions of this act, and the voters in each ward shall vote in their respective wards, and shall choose their proportionate number of trustees authorized to be chosen by the act of which this is amendatory, from their own number. Polls in each ward at elections.

SEC. 3. The voters in each wards, that may hereafter be created, shall at their said annual election, in addition to the officers provided for by the act of which this is amendatory, elect one of their own number to represent them in Ward supervisors.

the county board of supervisors, who shall be called a ward supervisor, and shall be entitled to a seat and a vote in the board of county supervisors, and shall have, in all respects, the same powers, rights and duties and privileges as any other member of said county board.

Annual election.

SEC. 4. The election in the several wards shall be conducted in the same manner, in all respects, and returns thereof made, as the said annual election authorized by the act of which this is amendatory, which said annual election shall, after the year eighteen hundred and fifty-five, be held on the first Tuesday in April, in each and every year.

SEC. 5. This act shall take effect and be in force from and after its passage, and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved March 31, 1855.

Chapter 339.

An Act to repeal chapter 128, of the local and private laws of 1853, entitled "An act to authorize the erection and maintainance of a boom on the Menominee river."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter one hundred and twenty-eight (128) of the private and local laws of eighteen hundred and fifty-three, entitled, "An act to authorize the erection and maintainance of a boom on the Menominee river," is hereby repealed.

Approved March 31, 1855.

Chapter 340.

An Act to vacate a portion of Adams street, in Stevens' Addition to the village of La Crosse.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That portion of Adams street, in Stevens' Addition to the village of La Crosse, lying between blocks number fifteen (15) and sixteen (16,) and the alley in block number fifteen (15,) are hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 341.

AN ACT to provide for laying out, discontinuing or altering highways, extending into or through two or more towns.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. It shall be the duty of the chairman of supervisors of any two or more towns, upon the application in writing of six or more free holders from each town in which a highway is asked to be established or altered, to meet and determine upon such application; the said application may be made to the chairman of supervisors of either town, upon application so made to a supervisor for laying out, discontinuing or altering, a highway; he shall make out a notice and fix therein the time and place at which the chairman of supervisors of the towns through which said highway may pass or extend into, will meet and decide upon such application, and it shall be the duty of the applicant, at least twenty days previous to such time, to cause such notice to be given to each of the chairmen of supervisors of the towns through which said highway may pass or extend into, and to all the occupants of lands through which said highway may run, which notice shall be served personally or by copy left with, or at the usual place of abode of each supervisors and each occupant of land; and such notice shall also be posted up in three public places in each of said towns, at least ten days before the time of such meeting of the supervisors; every such notice shall specify as near as practicable, the highway proposed to be laid out or altered, and the several tracts of land through which the same may pass. Duties of chairman of supervisors upon applications. Notice.

SEC. 2. It shall be the duty of the several supervisors, on being notified in accordance with section one of this act, to meet as herein provided, and in laying out or altering highways, they shall be governed by chapter sixteen, of the revised statutes, and the several amendments thereto, entitled of "highways and bridges." Supervisors' duties.

SEC. 3. In case the chairman of supervisors of any town, shall be unable to meet as provided by this act, he shall appoint one of the other supervisors of the town, to attend said meeting, and to act for said town. Chairman may appoint substitute.

SEC. 4. Any road lain out under the provisions of this act shall not be altered or discontinued except as provided in this act.

Approved March 31, 1855.

Chapter 342.

An Act to confer upon the Board of Supervisors of the town of Platteville discretionary power on the width of roads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Powers defined.

SECTION 1. The board of supervisors of the town of Platteville, Grant county, are hereby authorized, empowered and permitted, to lay out cross roads in their said town, leading from one main travelled road to another main travelled road.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 343.

An Act to provide for laying out highways upon the line between this and adjoining States.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Highways may be laid out and opened upon the line between this and any adjoining state as provided in section sixty-three, sixty-four and sixty-five, of chapter sixteen of the revised statutes, whenever the laws of such adjoining state shall be applicable.

Approved March 31, 1855.

Chapter 344.

An Act to amend chapter 126, of the session laws of 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and twenty-six, of the session laws of the year of our Lord one thousand eight hundred and fifty two, is hereby amended so as to read as follows, viz: The capital stock of said company shall be thirty-five hundred dollars, with power to increase the same to five thousand dollars, and be divided into shares of twenty-five dollars each, and each share shall be entitled to one vote in the election of officers, and in the business of said company when votes are necessary to be taken. Amendment.

SEC. 2. Section six of said chapter, is hereby amended so as to read as follows, viz: The said company shall have power after the completion of said bridge, to demand and collect toll for passing the same as follows: For every vehicle drawn by four horses, oxen, mules or other animals, thirty cents; for every vehicle drawn by two horses, oxen, mules or other animals, twenty-five cents, and for each additional horse or mule, or other animal, five cents; for every vehicle drawn by one horse, or mule, twenty cents; for horses, cattle or mules in droves of twelve or more, three cents each, and for a less number, five cents each, whether in droves or not; for sheep or swine, one cent each, and for each foot passenger, five cents. Amendment—rates of toll.

SEC. 3. This act shall take effect from and after the passage thereof.

Approved March 31, 1855.

Chapter 345.

An Act to incorporate the Osceola Seminary.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That there be established at Osceola, in the town of Leroy, Polk county, Wisconsin, an institution of Location and title.

learning, by the name of "Osceola Seminary," and that William Kent, William Tabboy, William Guild, H C. Folsom, Isaac Freeland, John Hale, T. M. Fullerton, G. F. Hilton, J. B. Mills, A. C. Pennock and David *Brooks*, and such persons as shall be elected by the *Wisconsin* annual conference of the Methodist Episcopal church (*or* such conference as may be formed out of said *Wisconsin* conference in the bounds of which the said institution may be located,) to succeed them, their associates and successors in office, be, and they are hereby created a body politic and corporate, to be styled the "Trustees of the Osceola Seminary," and shall be trustees of said corporation, for the purpose of establishing, maintaining and conducting an institution of learning for the education of youth, and by the aforesaid corporate name to remain in perpetual succession, with full power to sue and be sued, to plead and be impleaded, to acquire, hold and convey property, real, personal and mixed, in all lawful ways: *Provided, always*, That the amount at [any] one time, shall not exceed fifty thousand dollars; to have and use a common seal, and to alter the same at pleasure; to make and alter from time to time, such by-laws as they may deem proper and necessary for the government of said institution, its officers and agents: *Provided*, Such by laws are not inconsistant with this act, the constitution of the United States, or of this state; and also to have power to confer on *such* person or persons as they may deem worthy, all *honors* and degrees as are conferred by similar institutions of the United States; they shall erect such buildings as they may think necessary, and on a plan sufficiently large to afford ample facilities to perfect the scholar: *Provided*, That at no time shall the trustees be required to exceed the means under their control as trustees.

Trustees.

Proviso.

Proviso.

Proviso.

Number of trustees.

SEC. 2. There shall at all times be eleven trustees of said corporation, three of whom shall be members of the Wisconsin annual conference of the Methodist Episcopal church (or of such conference as aforesaid,) together with a board of visitors to be composed and appointed as hereinafter provided.

No religious test allowed.

SEC. 3. No religious tenet shall be required of any person to entitle him or her to all the privileges of the institution, and no student shall be required to attend the religious worship of any particular denomination except as specified by the student, his parents or guardians.

SEC. 4. The board of trustees shall hold their first meeting at Osceola, within six months after the passage of this act: *Provided*, That if a quorum shall fail of meeting, the number present shall have the right to organize, and at the same meeting, legally called and holden, to divide the trustees by lot into three classes, four in the first, four in the second, and three in the third class, which classes shall be numbered one, two and three; class numbered one shall hold their office until the first annual meeting of the board; class numbered two shall hold their office until the second annual meeting, and class numbered three, shall hold their office until the third annual meeting of the trustees, and until their successors are elected. The trustees at said meeting shall have power to elect a president of the board, two vice-presidents, a treasurer and secretary, and then adjourn to such time and place as they may deem proper to secure a quorum of the board. First meeting. Proviso. Officers.

SEC. 5. The president, the vice-presidents, treasurer and secretary, shall constitute an executive committee, and as such, shall have power to execute all business of the corporation committed to them by the by-laws of the institution. The treasurer before entering upon the duties of his office, shall give bonds in such penal sum as the trustees shall direct, and with such sureties as they shall by vote approve, conditioned for the faithful performance of his office, all funds and other property in his possession belonging to said institution; and all other officers and agents, before entering upon their duties, shall give like bonds, if required by the trustees; any trustee may be removed for a neglect of duty for more than one year, and another elected in his place, and for the remainder of his time. Executive committee.

SEC. 6. All suits against said corporation shall be by summons, which shall be served by leaving an attested copy of the same with the treasurer, at least sixty days before the return thereof; the trustees at their first meeting, when a quorum is present, shall designate the time and place of their first annual meeting, which shall not be altered except by a vote of two thirds of the trustees present at any regular meeting. Suits.

SEC. 7. The trustees shall have power to appoint and employ all officers and teachers for the institution, and to displace any or all of them, as the interest of the institution may require; to fill all vacancies which may happen by death, resignation or otherwise, among said officers and Trustees may appoint teachers, &c.

teachers. All elections of trustees, teachers, and all other officers shall be by ballot.

May change name.

SEC. 8. The trustees of said seminary shall have power, at any regular meeting, when a majority of all of said trustees are present, to adopt any other name for said seminary they may deem proper.

Patronage.

SEC. 9. This institution shall be under the patronage of the Wisconsin annual conference of the Methodist Episcopal church, (or such other conference as aforesaid) and the said conference shall annually, at its annual session, fill all vacancies of trustees occasioned by the provisions of this act, who shall hold their office for the term of three years from the time of such vacancies, and until their successors are elected, and shall at its annual session elect, by ballot, four suitable persons, members of its own body, visitors to said seminary, who shall, *ex-officio*, be members of the board of trustees, and have the right to vote on all questions that may come before them, and who shall attend the examination of the students, and look into the condition of the institution, and report thereon to the next session of said conference.

Course of study.

SEC. 10. The trustees shall have power to prescribe and regulate the course of studies to be pursued in the institution, to fix the rates of tuition and other expenses, to make rules for the regulation of the conduct of the students, and the expulsion of such as are disorderly; they shall faithfully apply all moneys by them collected or received, according to their best judgment, in erecting buildings, supporting the necessary instructors, and in procuring books and apparatus necessary to the success of the school: *Provided, however*, That in case a donation or bequest be made for purposes which accord with the designs of the institution, the trustees shall receive and accept the same, and shall apply such donation or bequest in conformity with the designs of the donor, and all corporate property belonging to the said institution, both real and personal, is and shall be free from taxation.

Proviso.

Quorum.

SEC. 11. The board of trustees may meet on their own adjournment, any five of whom shall constitute a quorum for the transaction of business, and the president, with the concurrence of two trustees, or any four trustees, may call special meetings of the board by giving seven days notice in writing or otherwise. Any three of the corporators named in this act, may call the first meeting of the trustees

by giving two weeks notice of the time and place of such meeting. This act shall be construed liberally in all courts for the purposes herein expressed.

Approved March 31, 1855.

Chapter 346.

An Act to authorize the laying out of a State Road in Douglass and La Pointe counties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That William Howenstine, William E. Vantassel and Robert Uofsinger are hereby appointed commissioners to lay out, survey and establish a state road, commencing at the mouth of the St. Louis river, thence on the nearest and best route to the Bay opposite the town of La Pointe; also to lay out, survey and establish a state road from Bark Point Bay to the south end of Long Island Bay, and thence east to the Michigan State Line. Commissioners. Route.

SEC. 2. The commissioners appointed under the provisions of this act, shall, upon the performance of their duties, be entitled to such compensation for their services, and for the services of persons employed by them in carrying out the provisions of this act, as the supervisors of the counties of Douglass and La Pointe shall allow, respectively. Compensation.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 347.

An Act to amend the act of incorporation of the City of Kenosha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The city clerk of the city of Kenosha shall have power, under his hand, and seal of the city, to appoint City Clerk may appoint deputy.

a deputy, which deputy, in all respects, shall possess the same authority as his principal, and shall hold his office at the pleasure of said principal, which said principal shall be responsible for all the acts of said deputy: *Provided*, That the same qualifications as to eligibility shall be required by law in the case of the deputy, as is required by law in the case of the city clerk of the city aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved March 31, 1855.

Chapter 348.

An Act to incorporate the Portage Gas Light and Coke Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Andrew Dunn, C. G. McCulloch, Milo H. Pettibone, H. W. Tenney, L. S. Dixon, H. S. Haskell, H. B. Anderson, D. K. Tenney, Hugh McFarlane, A. C. Ketchum and A. Murison, and their associates, be and are hereby created a body politic and corporate, with perpetual succession, by the name and style of the "Portage Gas Light and Coke Company," and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, and in all matters whatsoever; with full power to acquire, hold and occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the proper management and good government of the same; and they may have a common seal, and the same may alter and renew at pleasure.

Title.

Franchises.

SEC. 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any and all of the substances, or a combination thereof, from which inflammable gas can be obtained, and to be used for the purpose of lighting the city of Portage, Columbia county, Wisconsin, or the streets and public

grounds thereof, also all buildings public or private therein contained, and to erect all the necessry works and apparatus, and to lay pipes for the purpose of conducting the gas in and along any of the streets or avenues of said city: *Provided*, That the real estate which this corporation may hold shall not exceed in value fifty thousand dollars. Proviso.

SEC. 3. The capital stock of said company shall not exceed two hundred thousand dollars, to be subscribed for and paid in such proportion as shall be prescribed by said company, in the by laws and regulations which they are hereby authorized to make, for the management and direction of their concerns.

SEC. 4. The property and concerns of said corporation shall be managed and conducted by a board of seven directors, who shall be annually chosen by the stockholders of said company, on the second day of October, or such other time as they may fix upon: *Provided*, That the first board of directors shall be chosen by and from the number of the persons named in the first section of this act; and if it shall at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election in such manner as shall be provided for in the by-laws of said corporation. Management. Proviso.

SEC. 5. Said corporation shall have the exclusive privilege of supplying the city of Portage and its inhabitants with gas, for the purpose of affording light, for fifteen years from the completion of the works authorized by this act. Term of time stated.

SEC. 6. The directors of said corporation shall have power to appoint such officers and agents as they may deem necessary, and prescribe their duties, and take the necessary bonds for the faithful performance thereof; and may from time to time adopt such by-laws and regulations for the business of said corporation as they may deem expedient; such by-laws and regulations not to be inconsistent with the constitution and laws of the United States or of this state. Officers.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 349.

An Act to incorporate the Judson Female Seminary.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Title.

SECTION 1. There is hereby created and established a body politic and corporate, by the name of the Judson Female Seminary, with a board of six trustees. The said corporation shall have all the powers, privileges, immunities, franchises and liabilities incident to incorporations of this state, created for literary purposes. Said corporation may take and hold real and personal estate, by gift, devise, bequest, demise, purchase, sale and conveyance, in the aggregate of all such purchases, sales and conveyances, not exceeding one hundred thousand dollars; and may sell, remise, release, convey and dispose of any such estate for the use and benefit of the institution hereby incorporated; and, for that purpose, shall have all the powers of any incorporation of this state. Said corporation may also borrow money, contract debts, and for securing any and all creditors of such corporation may make and execute, sell and deliver promisory notes, bonds, contracts, mortgages, receipts, and any and all such other papers or instruments in writing as shall be agreed upon by and between the said corporation in pursuance of this act, and the by-laws and regulations of said board of trustees.

General franchises.

Management.

SEC. 2. The board of trustees shall have and possess, use and exercise all the rights, powers and franchises hereinbefore conferred upon the said corporation; and for that purpose, they shall organize their body by appointing one of their number president, and some suitable person secretary; with all such other subordinate officers, employees, agents and clerks, as by their by-laws and regulations they shall provide; and shall fix and determine the terms and compensation (if any) of any and all such officers and employees; and such board of trustees may determine, by its by-laws, the number of persons to constitute any future board of trustees next to be elected, and for that purpose, at any time, determine to increase or diminish the number to not more than thirty nor less than six; and for the purpose of filling such increased number, shall elect suitable

Officers.

persons, from time to time, and also to fill any vacancy occasioned by death, resignation, removal, inability or refusal to serve; all such persons shall be of full age, of sound mind and good character for morality and sobriety.

Elections.

SEC. 3. A biennial election of trustees shall be held on the first Monday in February in each alternate year, to fill all vacancies existing or next to exist in said board; and an election to fill a vacancy occurring may be held at any regular meeting of the board; all such elections however to be held in conformity to the by-laws of the corporation. An omission to fill any vacancy or vacancies in said board [shall not work any vacancy or vacancies in said board,] shall not work any abatement, escheat, reversion, or forfeiture of any of the powers, privileges or franchises herein conferred. The first board of trustees, when organized, shall by lot determine the term of its several members: one third of whom shall hold their offices for two years, one-third for four years, and one third for six years; and thereafter all elections shall be to fill vacancies for unexpired terms, or full terms of six years; but in case any increase of said board shall be made, such member by which it shall be increased, shall be such as to admit of equal classification, and shall be classified in manner aforesaid, immediately after their election. The first biennial election shall be held on the first Monday in February, 1856, and every two years thereafter, on the day aforesaid. The board of trustees may at any quarterly meeting resolve and determine to increase its number, and if it shall do so, may immediately proceed to elect such increased number, to be classified in the same manner, and their terms of service to terminate at the same time in the year as those first elected.

Objects defined.

SEC. 4. The objects of this corporation are strictly, and only literary, and to that object all the avails of all property in possession of, and all sales, rents, issues and profits of any of its property and investments, dues and rights, shall be strictly and faithfully applied, and said corporation shall have power to construct and agree with any other strictly benevolent or literary association, or body corporate, for the mutual promotion and advancement of their individual and mutual interests and objects; and for that purpose such other institutions, associations and bodies corporate, are hereby empowered mutually and equally to agree and contract with the body hereby incorporated.

First trustees. SEC. 5. John W. Robinson, N. E. Chapin, Henry G. Bicknell, William Farrington, Robert V. Bogert, and S. L. Rose, are hereby declared the first board of trustees of said corporation, and as such are clothed with all the powers incident thereto. A majority of the board shall at all times constitute a quorum to do business; and the board may, for the time being, appoint an executive committee, who may by the board, (by the by laws,) be clothed with all the powers of the whole board.

Quorum.

Public act. SEC. 6. This act is declared public, and for public purposes, and for enabling the corporation to carry out the true intent and objects hereof, the benefit of all reasonable intendments and constructions shall be given to this act.

Location. SEC. 7. The seminary of learning to be established under the care and management of this corporation, shall be at Beaver Dam, in the county of Dodge, to the upbuilding and maintenance of which, only this corporation shall devote all its resources, as herein before provided.

SEC. 8. This act shall be in force from and after its passage.

Approved March 31, 1855.

Chapter 350.

An Act to authorize F. B. Gardiner and L. L. Pierce to keep and maintain a Boom across Pensaukie River, in the County of Oconto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May keep a boom. SECTION 1. That F. B. Gardiner and L. L. Pierce, their successors or assigns, are hereby authorized and empowered to keep and maintain a boom across Pensaukie River, in the County of Oconto, at the steam mill of F. B. Gardiner and Company, at Pensaukie.

SEC. 2. This Legislature shall have the right to repeal this act at any time hereafter.

SEC. 3. The act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 351.

An Act to amend an Act incorporating the Milwaukee and Horicon Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the Milwaukee and Horicon railroad company, in such manner and form as the directors of said company shall approve, to receive, take and hold, by gift or grant, devise, purchase or subscription, for the capital stock of said company, any land, town lots or other estate, real, personal or mixed, and to convey a fee simple or any less estate in the same, and to apply the same, or the proceeds thereof, to the construction, use and management of said railroad and its appurtenances. May hold property.

SEC. 2. The said company are hereby fully authorized to locate their depots and depot grounds, in such place or places as a majority of the board of directors of said company may determine. To locate depots.

SEC. 3. The Milwaukee and Horicon railroad company, are hereby authorized, where said railroad crosses streams, to construct such bridges as the board of directors may determine: *Provided*, Where any such streams are navigable, said bridges shall be so constructed as not to obstruct the navigation of the same. To construct bridges. Proviso.

SEC. 4. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 352.

An Act to authorize Jared Thompson to lay out a Cemetery Ground in the Town of Lake.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jared Thompson of the town of Lake, in the county of Milwaukee, is hereby authorized to cause to be To lay out a cemetary ground.

surveyed and laid out, a Cemetery Ground on the North East corner of the South half of the North eighty acres, of the North East quarter of section twenty-two, town six, range twenty two, by government survey, which said cemetery ground shall contain not less than three fourths of an acre nor more than two acres, and the said Thompson, as soon as the said survey is completed, shall cause a plat of the same to be made and recorded in the office of the register of deeds of the county of Milwaukee.

Title. SEC. 2. The cemetery upon and embracing the grounds mentioned in the first section of this act, is hereby incorporated by the name and style of the "Lake Protestant Cemetery," and by that name shall be hereafter known in law.

First meeting-election of trustees. SEC. 3. After five lots shall have been sold by said Jared Thompson, in said cemetery, the persons purchasing the same shall meet at a time and place by them designated, and elect their trustees from among said owners, who shall thereafter hold their offices for one year, and until others are elected and qualified; and the said trustees so elected shall have the supervision and charge over the said cemetery, but shall in no wise interfere with the said Thompson in the sale of lots.

Rights, and subject to, &c. SEC. 4. In all other respects, except as provided by this act, the said cemetery shall have all the rights and shall in all respects be subject to the provisions of chapter forty-eight of the revised statutes, entitled "of cemetery associations."

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 353.

An Act to amend an act entitled "an act to amend an act entitled an act to authorize the construction of certain dams across the Rock River. Approved January 27, 1846."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section two of said act is hereby so amended as to authorize the proprietors of the dam mentioned in the

said section two, and the said proprietors are hereby authorised and empowered to raise and elevate the said dam to such a height as will give a fall of not more than eight feet at any ordinary stage of water in Rock River.

Commissioners to award damages.

SEC. 2. The said proprietors, or any one of them, may apply to the judge of the first judicial circuit, whose duty it shall be to appoint three commissioners, who shall make an examination of all lands overflowed by reason of the raising, keeping up and maintaining said mill dam according to the provisions of this amended act, and shall make out an award, in which they shall award to the owner or owners of such parcel or piece of land so overflowed, the amount of damages which they shall deem such owner or owners entitled to by reason of the raising, keeping up and maintaining of said mill-dam as aforesaid.

May appeal.

SEC. 3. Any person or persons conceiving himself or themselves aggrieved, may appeal, within ten days from the time of making the said award, to the circuit court of Rock County, in the same manner as is provided by law for appeals from decisions of commissioners of the estates of deceased persons.

Award final unless appealed.

SEC. 4. The decision and award of the said commissioners mentioned in the second section of this act shall be final, unless appealed from as provided for in this act, and the said award shall be filed by the said commissioners in the office of the clerk of the circuit court of Rock County, and shall be and remain a lien upon the real estate of the said proprietors, until the term of the said circuit court thereafter, when, upon motion made by any party interested, a judgment may be entered up and execution issued, to the same effect and in the same manner as judgments are entered and executions issued upon suits of a civil nature commenced and tried in the said circuit court. *Provided*, That the said proprietors of the said dam shall pay the amount of such award of damages or judgments therefor, as the case may be, to the person or persons, party or parties, entitled thereto, on or before the first day of the term of the said circuit court next succeeding the time [term] of said court in which the same shall be finally entered up; and in case all such award or awards of damages or judgments therefor shall not be so paid to all such person or persons, party or parties entitled thereto, by such proprietors of the said dam, then all rights or powers granted or conferred by this act to such proprietors to raise said dam, shall cease and determine, and the said circuit court shall order and

Proviso.

direct such dam, so raised as provided by this act, to be removed to the extent that the same is authorized to be raised by this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 31 1855.

Chapter 354.

An Act to incorporate the Portage Manufacturing company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Harrison S. Haskell, Andrew Dunn, Chauncy J. Pettibone, Carlton G. McCulloch, Hugh McFarlane and John A. Chandler, their associates and successors, are hereby constituted a body corporate and politic, by the name and style of the "Portage Manufacturing Company," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in all courts of law and equity in this state or elsewhere; may have a common seal and the same may alter at pleasure, and may enjoy all the privileges and immunities incident to corporations.

Title.

Capital stock.

SEC. 2. The capital stock of said company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, and the persons named in the first section of this act, or a majority of them, may at such times and places as they may direct, open books of subscription to the capital stock of said company, and as soon as twenty shares of the stock are taken, the stockholders may call a meeting for the purpose of organizing and electing officers.

Power to make by-laws, &c.

SEC. 3. The said corporation shall have power to make all necessary by-laws, rules and regulations, for their government, and for the control and management of their concerns: *Provided*, That such by-laws, rules and regulations, shall not be inconsistent with the constitution or laws of the United States or of this state, and, *Provided, also*, That the real estate to be owned by this corporation,

shall not exceed at one time the sum of two hundred thousand dollars.

SEC. 4. The said company is hereby authorized to create a water power by constructing a race and running water therein from any point on the Wisconsin river, within three miles of the city of Portage, to Silver Lake, near said city, or back again into said Wisconsin river, as the said company shall deem most expedient, and they may also enlarge and otherwise improve the outlet of said Silver Lake, so as to give force and effect to their water power, and to this end, all necessary powers are granted to said company: *Provided*, That said company shall not have power to construct a dam across the Wisconsin river, nor in any manner to interfere with or obstruct the navigation of the main channel thereof. May create a water power. Proviso

SEC. 5. The said company shall have authority and are hereby authorized to take any land that may be necessary for the construction and use of said water power and mills thereon, after first making a just compensation therefor in the same manner as is now provided by law for making compensation for land taken for public highways: *Provided*, such compensation shall be first paid by this company, to the person or persons entitled thereto, before any such lands shall be taken by this company. May take land. Proviso.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 355.

An act to authorize S. Dean and others, trustees of Sauk City, to construct a bridge across the Wisconsin River, at Sauk City.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Simeon Dean, *President*, Charles Nebel, Adam Clas, Thomas Cook, John H. Hantzsch and Francis Holblieb, trustees of the corporation of Sauk City, and their successors in office or assigns, are hereby authorized and shall have power to construct, build and maintain a Trustees may build a bridge.

toll, or free bridge, from any point in said village of Sauk City, connecting with some public street running east and west therein, across the Wisconsin River, to a point in the town of Roxbury, in Dane County, opposite said village of Sauk City: *Provided*, That said bridge shall cross the main channel of the river, not varying more than five degrees from a right angle thereto, and be at least twenty rods below any material curve in said channel.

Width of bridge, &c.

SEC. 2. Said bridge shall not be less than twenty feet wide, and the piers shall be of stone or wood, and not less than one hundred feet apart, except at the draw, where they shall not be less than fifty feet apart, and the bridge shall be so constructed with a convenient draw or otherwise, so as not to obstruct navigation.

May demand toll.

SEC. 3. The said corporation, or their assigns, shall have power to demand and collect toll for passing the bridge as follows, to wit: For every vehicle drawn by two horses or oxen, twenty-five cents; for every vehicle drawn by one horse, fifteen cents; for every additional horse or ox, five cents; for foot passengers, three cents; for single horse, five cents; for all animals in droves less than fifty, two cents each; for all over fifty head, one cent each.

SEC. 4. A list of the rates of toll shall be posted up in some conspicuous place on said bridge.

May make by-laws.

SEC. 5. Said corporation, or their assigns, shall have power to make all necessary by-laws for the regulation of their affairs, not inconsistent with the laws of this state.

May transfer.

SEC. 6. Said corporation of Sauk City is hereby authorized and empowered to assign, make over and transfer, unto any person or persons, all the powers, rights and immunities which said corporation has acquired or may hereafter acquire by virtue of this act; and said assignees shall be in all respects invested with like powers and immunities as are by this act conferred upon the said trustees of Sauk City, and their successors in office.

Approved March 31, 1855.

Chapter 356.

An Act to incorporate the Big Dells Bridge Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Thomas Rich, David M. Hatch, D. D. Billings, James Hinman, Aaron Causley, and such other persons as shall associate with them, be and they are hereby incorporated by the name and style of the "Big Dells Bridge Company," and by such name may sue and be sued, plead and be impleaded in any court in this state, and may have a common seal, and change the same at pleasure. Corporators. Title.

SEC. 2. Thomas Rich, James Hinman and D. D. Billings, or any two of them, are hereby appointed commissioners to receive subscriptions to the capital stock; and shall open a book of subscription at the house of James Hinman, in the town of Westbrook, Adams County, on the first Monday in September, A. D. 1855, which book shall be kept open for three days. Commissioners to receive subscriptions to capital stock

SEC. 3. The capital stock of said company shall be twenty thousand dollars, and shall be divided into shares of ten dollars each. Capital stock.

SEC. 4. The said company shall have power to build and construct a bridge across the Wisconsin river, at or near the point where the north line of section thirty-six (36), in township fifteen (15), north of range five (5), east of the fourth principal meridian, crosses the Big Dells, in said Wisconsin river. Bridge--where to be constructed.

SEC. 5. The said bridge shall not be less than twenty feet wide, and shall have a draw of fifty feet across the channel of said river, to admit the free passage of rafts and vessels; and shall be constructed with a double track for wagons, and shall have a good substantial railing on both sides, and shall not be less than one hundred and fifty feet span over the channel of said river; and shall construct a boom for the conducting of rafts with safety through said span, and shall be commenced within two years, and shall be completed within six years. Bridge to have a draw.

SEC. 6. The said company shall have power, for the term of thirty years, after the completion of the bridge, to demand and collect toll for passing the same, as follows: for any vehicle drawn by one horse, fifteen cents; for any Tolls.

vehicle drawn by two horses or oxen, twenty cents; and for each additional horse or ox, five cents; for foot passengers, three cents; for a single horse, five cents; for all animals in droves of less than fifty head, two cents each; and for all over fifty head, one cent each: *Provided*, That the hogs and sheep shall not be charged more than one cent each.

Proviso.

SEC. 7. Said company shall keep posted up in some conspicuous place on said bridge, a list of rates of toll allowed by this act.

SEC. 8. Said company shall have power to make all by-laws necessary for the regulation of their corporate affairs, not repugnant to the laws of the United States or of this state.

SEC. 9. This act may be amended, altered or repealed by any future legislature.

SEC. 10. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 357.

An Act to change the name of the Racine, Janesville and Mississippi railroad company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of "The Racine, Janesville and Mississippi Railroad Company," is hereby changed to that of "The Racine and Mississippi Railroad Company," by which last name it shall hereafter be known and called.

SEC. 2. This act shall take effect immediately after its passage.

Approved March 31, 1855.

Chapter 358.

An Act to authorize school district number one, in the town of Waukesha, in the county of Waukesha, to borrow money.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. School district number one, of the town of Waukesha, in the county of Waukesha, is hereby authorized to borrow, for the use of said district, a sum of money not exceeding three thousand dollars, at a rate of interest not exceeding ten per cent. per annum, and the officers of said school district are hereby authorized, in the name of said district, to make and execute any pledge or security, binding said district and the property thereof, that they may deem proper and advisable, to secure the payment of such money borrowed, and the interest thereon. May borrow money.

Approved March 31, 1855.

Chapter 359.

An Act to incorporate the Union Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Samual D. Hastings, Spencer Carr, Cyrus K. Lord, Francis M. Rublee, Theodore Rodolph, Samual F. Smith, Robert Looney, D. B. Travis, Simeon Kellogg, Wm. C. Rogers, Albert F. Clinton, Charles G. Honscome, Edwin Flint, Wm. H. Tucker, John Sherwin, Robert E. Gillitt and Benjamin W. Reynolds, and their associates and successors, are hereby declared and constituted a body corporate, by the name and style of "The Union Academy," to be located at the village of La Crosse and county of La Cross, in this State, for the purpose of educating youth and other persons of both sexes. Corporators. Title.

SEC. 2. Said corporation shall have power to contract and be contracted with, sue and be sued, plead and be im- General powers.

pleaded, defend and be defended, in all courts of law and equity; it shall have a common seal, and may alter or renew the same at pleasure; shall have power to acquire, receive, by gift or otherwise, possess, hold and enjoy property, personal and real, and to sell, convey, rent, or otherwise dispose of the same at pleasure, not exceeding thirty thousand dollars in value.

Shares of stock

SEC. 3. The stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable, on the books of the corporation, in such manner as shall be prescribed by its by laws.

Management.

SEC. 4. The business matters of said corporation shall be managed by a board of eleven trustees, a majority of whom shall constitute a quorum. Said trustees shall be elected on the first Tuesday in June next, at 7 o'clock P. M., and annually thereafter at the same time, when each share of stock shall be entitled to one vote, and to make an election valid a majority of the whole stock shall be represented.

First election.

SEC. 5. The first meeting of said corporation for the election of trustees, shall be held at such place as the corporators, or a majority of them, shall direct, in a published notice in some newspaper published in said county of La Cross, and all meetings thereafter at the office of said corporation, subject to such regulations as said corporation shall, by its by-laws, provide, not inconsistent with this act.

Officers.

SEC. 6. The trustees shall have power to elect a president, secretary, treasurer and librarian, who may or may not be members of the board of trustees; to fill vacancies in said board of trustees; to sell, lease, mortgage or otherwise to dispose of any real or personal property of said corporation, in such manner as they shall deem most expedient and conducive to the interests of said corporation, and to erect and keep in repair all necessary buildings for the use of the same; to prescribe and direct the course of study and discipline to be observed in said academy, and to make all rules, regulations and by-laws necessary to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state.

Capital.

SEC. 7. Said corporation shall determine, from time to time, the amount of its capital stock, and shall publish the same in an annual report of the financial condition of said incorporation which the trustees are hereby required to make and file in the office of the secretary of state, certified by the president and secretary of said corporation.

SEC. 8. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 360.

An Act to authorize a state road from Viroqua, in Bad Ax county, to Victory on the Mississippi river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. William F. Beavers, John M. McLees and James McCormick, are hereby appointed commissioners to lay out and establish a state road from Viroqua, in Bad Ax county, to Victory, on the Mississippi river.

SEC. 2. The said commissioners shall receive a fair compensation for their services from the counties through which the said road shall be laid: *Provided*, That no part of the expenses shall be paid out of the state treasury.

SEC. 3. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 361.

An Act to build and maintain a dam across the Baraboo river, on North west quarter, section thirty-five, township fourteen, range two, east, in Adams county.

The people of the state of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. That Joel Bishop, his associates, heirs or assigns be, and they are hereby authorized to keep up and maintain a mill dam across the Baraboo river, on the northwest quarter of section number thirty-five, town number fourteen, in range number two, east. Location.

SEC. 2. The said Joel Bishop, his heirs, associates or assigns, or any person whose lands may be overflowed by means of the building or maintaining of said dam, may To pay damages caused by dam.

apply to the judge of the circuit court in the county where such lands or the lesser part of them lie, for the appointment of three commissioners to appraise the damages caused by such overflowing. The application may be made in term time or vacation, and shall be in writing, and a copy thereof with a notice of the time and place when and where the same will be presented to the judge, shall be served on the other party or parties in interest, at least two days before the time, either personally or by leaving the same at such parties place of abode. The judge shall appoint three commissioners, who shall be freeholders of the county where the lands overflowed, or the larger part of them are situated, and they shall be sworn in writing to faithfully discharge their duties, and shall appoint a time and place to meet and examine the premises, of which ten days' notice in writing shall be given to all parties interested, in the same manner above prescribed, and shall then or at such other time as they may then adjourn to proceed to examine the lands overflowed, and hear the parties interested, and make an award in writing, awarding to the owner or owners of the land overflowed, the damages which he or they may have sustained and shall thereafter sustain, by the perpetual keeping up and maintaining of such dam, and they shall deliver a copy thereof to both parties, and file the award in the office of the clerk of the circuit court of the same county.

Appeal.

SEC. 3. Either party may appeal from such award within thirty days after the filing thereof, to the circuit court of the same county, by filing in the office of the clerk of the court a notice of such appeal, and serving a copy of the notice on the opposite party in the same manner as prescribed for serving notices in the preceding section. The clerk shall enter a suit thereon in which the owner or owners of the lands shall be plaintiff and the other party defendant, and which shall be tried like other issues.

SEC. 4. Nothing in this act shall be so construed as to give the said Joel Bishop, his associates, heirs or assigns, the right to raise the water in said river higher than nine feet above low water mark, and they shall provide and keep up shute or slide in such dam for the passage of rafts which shall not be less than twenty feet in width, and shall be so constructed as to admit of the safe passage of all rafts not exceeding that width.

No suits allowed.

SEC. 5. No suit or proceeding at law or in equity, shall be entered against Joel Bishop, his associates, heirs or

assigns, for any damages arising from the overflowing of any lands by reason of keeping up and maintaining said dam in any other manner than is set forth in this act: *Provided*, The amount of the award or of the judgment on the appeal therefrom shall be paid with all costs, within forty days after the filing of the award, or the rendition of the judgment in case of appeal. Proviso.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 362.

An Act to incorporate the German School of the Second Ward of the City of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jacob Laubenheimer, John Seeger, John Lauer, Christian Harkendahl, Roman Luhn, John Goetz, Theodore Huth, Bernhard Loewenbaih, Joseph Willhartitz, Charles Gipsel and Charles F. Bode, and their associates, together with such other persons as may hereafter be associated with them, are hereby created a body corporate and politic, with perpetual succession, by the name of "The German School of the Second Ward of the City of Milwaukee," by which name they and their successors shall be known, and the same shall be located at the city of Milwaukee. Corporators. Title.

SEC. 2. The said corporation shall have power to contract and be contracted with, to sue and be sued, to implead and to be impleaded with, to answer and to be answered unto, in all courts of law and equity in this State; to have a common seal, and to renew and alter the same at pleasure; to have, acquire, purchase, receive, possess, hold, convey, sell, transfer and enjoy property, real and personal, not exceeding in value ten thousand dollars, and to rent and otherwise lawfully dispose of the same at pleasure. Powers.

SEC. 3. The said corporation shall have further power, to establish for its government a constitution and by-laws, Further powers.

not inconsistent with the constitution of the United States nor with the constitution or laws of this state; to meet and assemble at such times and places as may be agreed upon, and they shall elect any number of discreet persons of said school, not less than three nor more than nine in number, as trustees, to take charge of the real and personal property belonging to said corporation, and to transact all business relative to the investment and disposal thereof.

Shares of stock.

SEC. 4. The stock of said school shall be divided into shares of not less than two dollars each, and shall be deemed personal property, and be transferable on the books of the corporation in such manner as, by their by-laws, may be directed; and said shares may be paid in such instalments as the by-laws of said corporation may provide, and no member shall be entitled to a vote unless his share shall have been fully paid in.

Officers.

SEC. 5. It shall be lawful for said school to elect or appoint such other officers, besides their trustees, as the condition and the circumstances of the corporation may require; to precribe their powers and duties, and to require bond for the faithful performance thereof, in such penal sum and with such sureties as they may choose; also, to prescribe the term of their office: *Provided*, however, that the trustees shall hold their office for one year, and until others are elected.

Proviso.

Property to be applied solely to school purposes.

SEC. 6. The property, real and personal of said corporation, shall be devoted solely to the purposes and objects of said German school, and all real and personal estate, which has been, or may hereafter be, lawfully conveyed by devise, gift, grant, purchase, or otherwise, to said school, or to any person or persons in trust for said school, shall descend, with the improvements and appurtenances, in perpetual succession, to, and shall be held by, the trustees in trust for said corporation.

SEC. 7. No religious test or qualification shall ever be required of any member, or of any officer, of said corporation, nor of any teacher or student of said German school.

SEC. 8. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 363.

An Act to amend the seventh section of the charter of the Wisconsin Home Insurance Company, of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the words in the seventh section of the charter of the Wisconsin Home Insurance Company, (one year,) preceding the words "for the term of," be amended so as to read, three years. Amendment.

SEC. 2. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 364.

An Act to repeal chapter 138, of the Private and Local Laws of 1854, entitled, "An Act to vacate a part of a certain state road."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That chapter 138, of the Private and Local Laws of 1854, be and the same is hereby repealed, and so much of the state road called the Token Creek and Fort Winnebago road, as was vacated by said act, is hereby reinstated. Repealing clause.

SEC. 2. This act shall be force from and after its passage.

Approved March 31, 1855.

Chapter 365.

An Act to vacate the plat of the village of Newport and to legalize the plat of the village of Wisconsin, in Columbia county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The plat of the village of Newport, in Columbia county, is hereby vacated. Vacated.

Legal plat.

SEC. 2. So much of the plat of the village of Wisconsin as covers the same ground as the plat of the village of Newport hereinbefore vacated, is hereby made the legal plat of the premises.

Approved March 31, 1855.

Chapter 366.

An Act declaring the Sheboygan river a navigable stream.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Navigable stream.

SECTION 1. Sheboygan river, from the outlet of Sheboygan lake, in the county of Sheboygan, to the mouth of said river, is hereby declared to be a navigable stream, and the owners of all mill dams now or hereafter erected across said stream, shall keep and maintain slides in such dams so as to admit the free passage of all logs, lumber, rafts or water craft, which may be floated on said stream.

To construct bridges.

SEC. 2. The supervisors of the several towns through which said stream flows, shall have power to authorize the construction of all necessary bridges across said stream:

Proviso.

Provided, Such bridges shall be so constructed as not to interrupt the navigation of said stream.

SEC. 3. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 367.

An Act vacating a portion of a certain street therein named.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Vacated.

SECTION 1. That all that part of Division street in the original plat of Oshkosh, (now city of Oshkosh,) lying

between High street and the alley on the north of said street is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 368.

An Act to amend "an act relating to the village of Madison," approved March 29, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of an act relating to the village of Madison, approved March 29, 1854, is hereby so amended that if any person shall be found within the corporate limits of said village in a state of drunkeness or intoxication, the marshal, or any police officer, may forthwith arrest and convey said person to the common jail of Dane county, at any hour of the day or night, and there confine said person until sober, or in a fit condition for trial, as provided by said act, for a period not exceeding twenty-four hours; within which time it shall be the duty of said arresting officer to take said person before some justice of the peace, to be tried in the manner as provided by the section to which this act is amendatory; and that no part of the expenses incurred under this act, or the acts to which this is amendatory, shall be chargeable to the county of Dane. Amendment.

SEC. 2. The marshal of said village may execute any legal process for any breach of any law or ordinance relating to said village, and do any official act relating thereto in the county of Dane, in accordance with the laws of the state, conferred on constables within their respective towns or counties. Process.

SEC. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage. Repealed.

Approved March 31, 1855.

Chapter 369.

An Act to attach lots or fractions number one, two, three and four, of section two and three, of township one, of range seven, east, to the town of Monroe, in Green county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Attached. SECTION 1. Lots or fractions number one, two, three and four, in section two and three, in township one, north of range seven, east, is hereby attached to, and shall hereafter constitute a part of the town of Monroe, in the county of Green.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 370.

An Act to amend an act entitled, "An Act to incorporate the Calamine and Mississippi Railroad Company."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Terminus. SECTION 1. Said road shall terminate on the Mississippi river opposite the mouth of Root river, on section seven, in township number fifteen, north of range number seven, west of the fourth principal meridian.

Repealed. SEC. 2. All portions of said act conflicting with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 371.

An Act supplementary to "an act to amend an act, entitled, an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof, approved February 21, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. The third section of the act of which this act is amendatory, is hereby so amended as to read as follows:

"The aldermen of the first ward of the city of Milwaukee, are hereby authorized and empowered to construct a bridge across the Milwaukee river, from Johnston street, or any other street or point, in the first ward, to the Humbolt plank road, in the second ward, and also to construct a bridge across the canal in the second ward, where the Humbolt plank road crosses the said canal, and to defray the expenses of the construction of said bridge, or the rebuilding, maintaining and repairing of the same at any time thereafter; it shall be the duty of the common council to levy a tax upon the taxable real estate of the first ward, and upon lots numbered eighty-two to eighty-eight inclusive, on the west side of the Milwaukee river, in section twenty-one and upon the lots on the west side of the Milwaukee river in section sixteen, in township number seven, north of range twenty-two, east. The plan and specifications for said bridge or either of them, to be made, and the work to be let by contract in the same manner as other city work is now required to be done by law. And when said bridge shall be completed, or either of them, they or it shall be under the control of the city, in the same manner as the other bridges across the Milwaukee river in said city.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 372.

An Act to amend "an act entitled an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled an act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof, is hereby so amended as to make the expense of reconstructing, extending and enlarging of any sewer in said city chargeable to lots in

Amendment.

the same manner as the constructing of any sewer by the act to which this is amendatory is made chargeable to lots; and all certificates to the contractor or contractors, given by the street commissioners of any ward for reconstructing, enlarging or extending any sewer in the ward for which they are street commissioners, shall be assessed upon such lots or parcels of land respectively, and collected for the use and benefit of the holder of such certificates, as other taxes on real estate are collected by virtue of the act to which this is amendatory.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 373.

An Act to vacate the plat of Finch's Addition, in the fourth ward of the city of Milwaukee.

The people of the State of Wisconsin, represented in senate and Assembly, do enact as follows:

Vacated. SECTION 1. The plat by which Finch's Addition, in the fourth ward of the city of Milwaukee is laid out into lots, blocks, streets and alleys, is hereby vacated and set aside:

Proviso. *Provided, however*, The written assent of all the owners or persons interested therein shall first be filed in the office of the Register of deeds of Milwaukee county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 374.

An Act to authorize the Milwaukee Musical Society, and the Young Men's Association, of the city of Milwaukee, to subscribe to the capital stock of the Milwaukee Concert Hall Association.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May subscribe to capital stock SECTION 1. The board of directors of the Milwaukee Musical Society, and the board of directors of the Young

Men's Association, of the city of Milwaukee, severally, shall have authority, each board for and in behalf of its respective corporation above mentioned, to subscribe to the capital stock of the "Milwaukee Concert Hall Association," incorporated March 30, 1855, to any amount not exceeding twenty-five thousand dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 375.

An Act to provide for the removal of the county seat of Shawano county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the next annual election, in the year 1855, the qualified electors of the county of Shawano may meet at the places where the town meetings of said county are or shall be held in the year aforesaid, and vote upon the question of the removal of the county seat of said county from the place where the same is now by law fixed, to section number twenty-five, of township number twenty-seven north, of range number fifteen east; which place last aforesaid is hereby fixed as the point to which it is proposed to remove said county seat. And if a majority of the legal votes shall be for such removal, as herein provided, then the county seat of said county shall immediately thereafter be and remain fixed at the said point above described. Shall vote on removal of county seat.

SEC. 2. All votes given upon the question aforesaid shall be by ballot, upon which shall be written or printed, or partly written and partly printed, either the words "For removal of the county seat," or "Against removal of county seat." All such ballots shall be received by the inspectors of elections, and deposited in a box to be by them prepared for that purpose, in the same manner as now provided for the reception and deposite of ballots by them at the general election. Vote by ballot

Election.

SEC. 3. The election for the purpose aforesaid shall be held and conducted in accordance with the provisions of law now in force in relation to the holding and conducting of general elections, and all votes cast as above provided shall be canvassed, cirtified and the result ascertained and disclosed in all respects as provided by law for ascertaining the result of a general election, and by the same officers. And such result, when so aforesaid ascertained, shall by the last canvassing officers of said county, be reduced to writing, and by them be certified to be true and correct; and when the same is so reduced to writing and certified, the clerk of the board of supervisors of the county shall record the same in some county record book in his office, and shall thereafter, without delay, by mail, transmit the original to the Secretary of State at Madison, who shall, on receipt thereof, file and preserve the same; and the record so made by the clerk of the board of supervisors, and the original so as aforesaid filed, shall be received in evidence in all courts and places where the same may be offered to prove the facts in it contained.

Notice of election.

SEC. 4. The clerk of the board of supervisors of said county shall give notice to the several inspectors of elections of the time for holding the election aforesaid, at least ten days previous to the time herein fixed for holding the same.

SEC. 5. This act shall be printed by the state printer immediately after its passage, and when so published shall take effect and be in full force.

Approved March 31, 1855.

Chapter 376.

An Act to legalize the sale of the sixteenth sections of school land, in the county of Pierce.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To legalize the sale of school land.

SECTION 1. The sale of the sixteenth sections or parts of said sections of school lands in Pierce county, made by the commissioners of the school and university lands, on

the second day of November, A. D., 1853, is hereby declared to be legal, and the certificates and patents issued to the purchasers of said lands, are hereby declared to be valid and effective, to pass the rights therein transferred.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 377.

An Act to incorporate the Appleton Hotel Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Theodore Conkey, James Hanchett, Perry H. Smith, Winfield Scott, J. A. Wilcox, Reuben Doud, Sales T. Gale, Jackson Tibbitts and James M. Phinney, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Appleton Hotel Company hereby incorporated, and they may cause books to be opened at such time and place as a majority shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving three weeks' notice of the time and place of taking subscriptions in one or more public newspapers. Commissioners.

SEC. 2. The capital stock of said company shall be fifteen thousand dollars, in shares of twenty-five dollars each, and as soon as three hundred shares or more of stock shall be subscribed and seven per centum paid thereon, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are declared and created a body corporate and politic, by the name and style of the "Appleton Hotel Company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places; they shall be capable of purchasing, holding and Capital Stock. Title.

selling, leasing and conveying real estate, personal and mixed, as far as may be necessary and proper for the construction, management and usefulness of a first class hotel, in the incorporated village of Appleton; they may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation.

Management. SEC. 3. The affairs of said company shall be managed by a board of seven directors, who shall be chosen by ballot, each share of stock being entitled to one vote; the votes to be delivered in person or by proxy duly authorized; which directors shall appoint a president, a secretary and a treasurer from their number; and for the purpose of electing the first directors, the said commissioners, or a majority of them, after the stock shall have been subscribed as provided in the second section of this act, shall give three weeks' notice in one or more public newspapers published in the county of Outagamie, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing directors, and annually thereafter, on the second Wednesday of January, the stockholders shall meet for electing directors as aforesaid: *Provided*, That none but stockholders shall be elected directors.

Proviso.

Quorum. SEC. 4. A majority of said board of directors shall constitute a quorum for the transaction of business; they shall have power to make and establish such by-laws, rules, orders and regulations as may be necessary for the management of the affairs of said company, to make such covenants, contracts and agreements with any person or persons, copartnership or body politic, whatever, as they may deem expedient and for the interest of the company.

Charter not voided by irregularity. SEC. 5. If from any cause an election for directors shall not be held at the time specified therefor, the same may be held at any other time upon ten days' notice being published as aforesaid; and until such election the directors of the preceding year shall continue to act, and the charter shall not be voided by reason of any irregularity or want of such election, and in case of vacancy from the death or resignation of any director his place may be filled by the board of directors.

May borrow money. SEC. 6. The said company are hereby authorized in their corporate capacity to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name

all necessary writings, notes, bonds or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, for all purposes necessary in carrying out the objects of said company; and the official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

SEC. 8. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof, printed by authority of the state, shall be received as evidence thereof. Public act.

Approved March 31, 1855.

Chapter 378.

An Act to incorporate the Milwaukee Fire Arms Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John C. Howe, Clark Shepardson, L. M. Tracy, J. B. Cross, and George W. Kellogg, be and they are hereby appointed commissioners, under the direction of a majority of whom subscription may be received to the capital stock of the Milwaukee Fire Arms Manufacturing Company, hereby incorporated, and they may cause books to be opened at such time and place as a majority shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving ten days notice of the time and place of taking such subscriptions, by publishing the same in two daily papers printed in the city of Milwaukee. Commissioners. Open books.

SEC. 2. The capital stock of said company shall be three hundred thousand dollars, in shares of one hundred dollars each; and as soon as one thousand shares or more of stock shall be subscribed, and ten per cent. paid thereon, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of "Milwaukee Fire Arms Manufacturing Compa- Capital stock. Title.

ny," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, personal, real or mixed, so far as the same may be necessary and proper for the construction, extension, management and usefulness of the works of said company, and for the good government of the same; they may have a common seal, which they may alter and renew at pleasure, and generally may do all and singular the matters and things which to them it may lawfully appertain to do for the well-being of the said corporation.

Management.

SEC. 3. The affairs of said company shall be managed by a board of five directors, who shall be chosen by ballot, each share of stock being entitled to one vote, the votes to be given in person or by proxy duly authorized; which directors shall appoint one of their number president, and for the purpose of electing the first directors, the said commissioners, or a majority of them, after the stock shall have been subscribed as provided in the second section of this act, shall give ten days' notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing directors, and annually thereafter, on the second Monday of January, the stockholders shall meet for electing directors as aforesaid: *Provided*, That none but stockholders shall be elected directors, and that previous to the first election, the commissioners hereinbefore named, shall elect one of their number president, and they may perform all the duties and be invested with all the powers of directors.

Proviso.

Quorum.

SEC. 4. A majority of said board of directors shall constitute a quorum for the transaction of business, they shall have power to make and establish by-laws, rules, orders and regulations as may be necessary for the management of the affairs of said company, to make such covenants, contracts and agreements with any person or persons, copartnership, or body politic whatsoever, as the execution and management of the works or the convenience and interests of the company require.

Charter not voided by reason of irregularity.

SEC. 5. If from any cause an election for directors shall not be held at the time specified therefor, the same may be held at any other time upon ten days' notice published in the papers hereinbefore named; and until such election, the directors of the preceding year shall continue to act; and

this charter shall not be avoided by reason of any irregularity or want of such election, and in case of vacancy from the death or resignation of any director, his place may be filled by the board of directors.

Special meeting.

SEC. 6. The stockholders holding a majority in value of the stock may, at any time or special meeting, increase the capital stock of said company to an amount not exceeding five hundred thousand dollars.

Power to manufacture.

SEC. 7. Said corporation shall have power to manufacture Howe's patent breach-loading rifle, and such other fire-arms as they may see fit and proper, and to sell and dispose of the same at pleasure; may erect buildings and machinery for such manufacturing purposes, to be moved by steam or other power, on any lands in the city and county of Milwaukee, which are now or hereafter may be owned by said company.

May borrow money.

SEC. 8. The said company are hereby authorized in their corporate capacity, to borrow any sum or sums of money, from any person or persons, corporations or body politic, of any kind, and make and execute, in their corporate name, all necessary writings, notes, bonds or other papers, and make, execute and deliver, such securities in amount and kind as may be deemed expedient by said corporation, for all purposes necessary in carrying out the object of said company; and the official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contract.

When in force.

SEC. 9. This act shall be in force from and after its passage, and in case of a violation by the company of any of its provisions, or of the contract herein referred to, the legislature of this state may resume all and singular the rights and privileges hereby granted.

Public act.

SEC. 10. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof, printed by authority of the state, shall be received as evidence thereof.

Approved March 31, 1855.

Chapter 379.

An Act to amend "an act entitled an act to incorporate the Mississippi and St. Croix Valley Railroad Company" and to incorporate the Prairie du Chien and La Crosse Railroad Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To detach.

SECTION 1. That portion of the line of the Mississippi and Saint Croix Valley Railroad Company, as chartered by an act approved March 16, 1854, between the village of Prairie du Chien and the village of La Crosse, is hereby detached from the line of said company's road, and Hercules L. Dousman, Jackson Hadley, Cyrus K. Lord, Edward M. Hunter, William Hood, Edwin Flint, Peter Cameron, Nelson Dewey, Robert C. Van Rensselear, H. A. Wright, Cha's A. Stevens, Jas. H. Earnest, James Fisher, William J. Gibson, John M. Levey, Thomas B. Stoddard, Benjamin W. Reynolds, Simeon Kellogg, George Gale, Francis M. Rublee, Thomas Reiley, Samuel D. Hastings, David Wright and Charles Dunn, are hereby created a body corporate, by the name, style and description of the Prairie du Chien and La Crosse Railroad Company, with perpetual succession, and the act of incorporation of the Mississippi and Saint Croix Valley Railroad Company, approved March 16, 1854, shall be and is hereby declared to be the act of incorporation of the said Prairie du Chien and La Crosse Railroad Company, excluding the corporators in said act, except such as are retained by this act.

Corporators.

Title.

Route.

SEC. 2. The said Prairie du Chien and La Crosse Railroad Company shall have the power and exercise the right of locating and constructing a railroad, according to the provisions of said act of incorporation, from Prairie du Chien, in Crawford county, to the village of La Crosse, or Onalaska, in La Crosse county; and the said Mississippi and Saint Croix Valley Railroad Company shall have and exercise the right of locating and constructing a railroad, according to the provisions of said act of incorporation, from La Crosse, or Onalaska, in the county of La Crosse, to such point on lake Saint Croix as shall be determined upon by the board of directors of said company, and the said Mississippi and Saint Croix Valley Railroad Company shall not have or exercise the right of constructing a

railroad from Prairie du Chien, in Crawford county, to La Crosse, in La Crosse county, nor shall said company in any manner interfere with the powers and privileges hereby granted to the Prairie du Chien and La Crosse Railroad Company, except by articles of consolidation.

SEC. 3. The said act of incorporation, as the act of incorporation of the said Prairie du Chien and La Crosse Railroad Company, shall be construed to bear date of the date of the passage of this act, and all provisions therein contained referring to the passage of said act, shall be construed as referring to the passage of this act as the act of incorporation of the Prairie du Chien and La Crosse Railroad Company. Shall be construed.

SEC. 4. The said Prairie du Chien and La Crosse Railroad Company is hereby authorized to print and publish its act of incorporation as provided by this act, so revised as to conform to the provisions of this act, and to represent the same as having passed at the time of the passage of this act, which is hereby declared to be the time of the passage of said act of incorporation, as far as it is the act of incorporation of the said Prairie du Chien and La Crosse Railroad Company. To publish.

SEC. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act is hereby declared a public act. Acts repealed.

SEC. 6. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 380.

An Act to prevent the destruction of prairie hens, grouse and quails, in Dane, Rock and Waukesha counties.

The people of State the of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. From and after the passage of this act, it shall be unlawful, and it is hereby prohibited, for any person or persons, to hunt, kill or destroy any prairie hens, grouse and quails, directly or indirectly, with dog or dogs, To prohibit.

on the land of another within Dane, Rock and Waukesha counties.

Punishment. SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine of not less than five dollars, nor more than fifty dollars, for each offence.

SEC. 3. Justices of the peace shall have jurisdiction to try and determine all cases arising under the provisions of this act.

Approved April 2, 1855.

Chapter 381.

An Act for the improvement of highways in the Town of Madison.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Special tax. SECTION 1. The supervisors of the town of Madison are hereby authorized and empowered, in addition to any tax now authorized by law to be levied for road purposes, to levy and collect a special tax not exceeding three *mills* on the dollar, on the assessed value of property in said town, in the same manner as other taxes are levied and collected for the year one thousand eight hundred and fifty-five; the moneys arising from such tax to be exclusively devoted to to the improvement of such highways as said supervisors may deem proper.

Highways. SEC. 2. Said board of supervisors are hereby authorized to make any contract, and enter into such other arrangements in relation to highways leading into the village of Madison, as they may deem proper, upon terms to be mutually agreed upon between them and the president and trustees of said village.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1855.

Chapter 382.

An Act to incorporate the Palmyra academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Jacob Skinner, Justus Carpenter, Peter H. Turner, Geo. Riddell, Benjamin N. Benedict, Thomas P. Turner, Hiram E. Coon, Joshua Thayer, Levi Munger, Nathaniel Swift and Luther H. Lyman, and their associates, and such persons as may become associated with them hereafter, be and are hereby created a body politic and corporate, with perpetual succession, by the name and title of the Palmyra Academy, by which name they and their successors shall be forever known, and shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity. Said corporation may have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and the same to sell and convey, rent or otherwise, lawfully dispose of at pleasure, not exceeding thirty thousand dollars in value. Corporators. Title.

SEC. 2. The stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed by the by-laws of said corporation. Stock.

SEC. 3. Any five of the above named persons shall have power to call a meeting of said association, by giving ten days' notice thereof, by posting up notice in at least three public places in the village of Palmyra, in the county of Jefferson, where said academy is to be located, and by serving a written notice on the members of said association, not residents of said village, or leaving such notice at their usual place of residence. Meeting.

SEC. 4. At such legally notified meeting, the stockholders shall have power to elect by ballot nine trustees, three of whom shall be elected for one year, three for two years, and three for three years, and after the first election three trustees may be elected annually: *Provided*, That all trustees shall hold their office until others are elected in their places. Election. Proviso.

Elections. SEC. 5. At all elections and meetings of the corporation, each stockholder shall be entitled to cast one vote for each share of stock owned by him or her.

Management. SEC. 6. The stockholders may at any annual or special meeting, pass such orders and adopt such regulations in relation to the interest and concern of said corporation, (not inconsistent with the constitution and laws of this state or of the United States,) as they may deem proper.

Powers of trustees. SEC. 7. The trustees shall have power: First, to elect from their number, a president, a secretary and a treasurer, who shall hold their office for one year, and until their successors are chosen or elected; also, to elect all other officers of the corporation: Secondly, to call special meetings of the stockholders to fill vacancies in the board of trustees: Thirdly, to sell, lease, mortgage or otherwise dispose of any real or personal property of said corporation in such manner as shall be deemed by a majority of said stockholders; also to erect and keep in repair all necessary buildings for the use of said corporation: Fourthly, to employ suitable teachers and to prescribe and direct as to the course of study and discipline to be observed in said academy: Fifthly, to prescribe the duties and affix the salaries of all officers of said corporation and remove and suspend them from office for incapacity, immoral conduct or misbehavior in office and to appoint others in their place: Sixthly, to make all rules, regulations and by-laws, necessary or proper to carry into effect the powers herein granted, and not inconsistent with the laws of the state.

SEC. 8. No religious test or qualification shall be required of any trustee or officer of said corporation, nor of any student of said institution.

SEC. 9. This act may be altered or amended by any future legislation.

Approved April 2, 1855.

Chapter 383.

An Act to authorize the laying out of a state road from Jacksonville, in Monroe county, to Newport, in Sauk County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. That Edward Norris, James Cottar and William Fish be and are hereby appointed commissioners to

lay out and open a state road from the village of Jacksonville, Monroe county, running thence on the most feasible route down the Lemonweir river, as near as practicable on the surveyed route of the La Crosse and Milwaukee railroad, via New Lisbon and Mauston to the village of Newport, in Sauk county.

Commissioners compensation.

SEC. 2. No part of the expenses of laying out and surveying said road shall be paid by the state, and the commissioners shall receive such compensation for their services as the counties through which said road shall pass may choose to allow.

SEC. 3. This act shall take effect from and after its passage.

Approved April 2, 1855.

Chapter 384.

An Act to incorporate the Percival Mining Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That Curtis Beach, George W. Hickcox, Nathaniel W. Dean, Samual L. Strong, David Atwood, and such other persons as may hereafter become associated with them in the manner hereinafter provided, shall be, and they are, hereby incorporated and made a body corporate and politic, by the name and style of the Percival Mining Company, and by that name shall have succession —shall be able to contract and be contracted with; to sue and be sued; plead and be impleaded in any court of law and equity; to make, have and use a common seal, and the same to alter and renew at pleasure; and the said company shall have full power and authority to open and work any mines of lead or other ores and minerals that may exist on any lands which the said company may acquire within the state of Wisconsin.

Title.

Capital stock.

SEC. 2. The capital stock of said company shall consist of five thousand shares of one hundred dollars each, (with the privilege of increasing the same five thousand shares, two-thirds of the stockholders consenting thereto,) but it

shall be lawful for such company to organize and commence their operations when and as soon as fifty thousand dollars of said stock shall be subscribed, and with that capital to commence, conduct and carry on the same until they shall find it expedient to enlarge their capital, which they are authorized to do from time to time to the amount first above named and provided for.

Management.

SEC. 3. The management of the affairs of said company shall be vested in five directors, who shall be stockholders, any three of whom shall constitute a quorum to do business; such directors shall hold their office for one year, and until their successors are elected and qualified. The board of directors, as soon as practicable after their election, shall proceed to elect one of their number president of the company, and the president and directors shall elect and appoint all such other officers and persons as they shall deem necessary for the management and care of the business of the company.

Commissioners to procure subscriptions to stock.

SEC. 4. The corporators named in the first section of this act shall act as commissioners to procure subscribers to the stock of said company, and for that purpose shall open books at such place or places as they or a majority of them designate, and as soon as fifty thousand dollars or more are subscribed, they shall notify the stockholders of the fact, designating some convenient time and place for them to meet and hold an election for directors.

Power conferred on company.

SEC. 5. Said company shall have power and authority to carry on the business of mining, smelting and manufacturing, within this state, and for that purpose may acquire hold, use and transfer real and personal property; may erect buildings, machinery and other improvements, and use the same in its business; may sink shafts, erect steam engines, mills, furnaces, bloomeries, foundaries, and other establishments necessary and useful in mining, smelting and manufacturing ores, metals and minerals; and may construct roads, causeways, rail or plank roads, in connection with their works, to be used exclusively to facilitate the business of mining, smelting and manufacturing ores, metals and minerals, as contemplated in this section, and not for the purpose of carrying freight and passengers, for or without compensation; and may do such other lawful acts as may be necessary and proper to carry on said business successfully and prosperously; and for the purpose of constructing any plank or railroad for the purposes aforesaid, the said company hereby incorporated

shall have the right of way over any lands through which such road as may be constructed may pass: *Provided*, That said company shall pay all damages or injury to be assessed by a jury of competent persons to be summoned at the request of the party injured, by any justice of the peace of the town, he causing the company to be served with notice at least ten days before any such trial, and the jury in finding their verdict shall take into consideration the benefit derived by the opposite party in the construction of any such road or roads. Either party may appeal to the higher courts from the verdict of the jury and judgment of the justice as in ordinary appeals from justice courts.

May own land.

SEC. 6. That it shall be lawful for said company to own pieces or parcels of land on the Mississippi river, or any other river or lake bordering upon or running through this state, on the route or at the terminus of any road or roads which may be necessary for the purposes of said company, and by this act authorized to be made; and also to own pieces or parcels of land at necessary or proper places on the route of any such road or roads, for the purposes of erecting thereon their furnaces, mills, warehouses, workshops and other buildings; and also lay out, and lease, and sell lots to workmen and other persons.

Stock transferable.

SEC. 7. The stock of said company shall be deemed personal property, transferable on the books of the company, in such manner as the directors shall regulate by law.

May make by-laws.

SEC. 8. The president and directors of said company may enact and establish such by laws, rules and regulations, for the government of themselves and all officers and persons in the employ of said company as shall not be inconsistent with the provisions of this act, the constitution and laws of the United States, and the state of Wisconsin.

May sell goods.

SEC. 9. That for the convenience of the laborers and others, said company may sell goods, wares and merchandize, at their place or places of business: *Provided*, they pay the same tax or license which individual merchants or dealers in like articles are required by law to pay.

Approved April 2, 1855.

Chapter 385.

AN ACT to authorize Delos E. Durkee, his heirs or assigns to maintain a Mill Dam on South-east quarter of Section thirty-five, Town ten, Range seventeen east, in the County of Dodge.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To keep a dam.

SECTION 1. Delos E. Durkee, his heirs or assigns, are hereby authorized to keep up and maintain a mill dam across a stream called the "Rubicon," on the south-east quarter of section thirty-five (35), town ten (10), range seventeen (17) east, in the county of Dodge.

Commissioners to make an award of damages.

SEC. 2. The said Delos E. Durkee, his heirs or assigns, may apply to the county judge of the county of Dodge, to appoint commissioners as herein provided; and upon such application, the said county judge shall appoint three disinterested commissioners of the same county, whose duty it shall be to make an examination of all the lands overflowed by reason of the keeping up or maintaining said mill dam, and make out an award, in which they shall award to the owner or owners of any such overflowed lands, the amount of damages to which such owner or owners are entitled, by reason of the keeping up and maintaining of said mill dam aforesaid. Said commissioners shall meet to make their examination and award within sixty days after they are appointed, by virtue of this act; and the owner or owners of said lands shall be notified to appear before them, at the time and place of such meeting, and shall be entitled to be heard before said commissioners in regard to the amount of damages by them sustained, in consequence of the keeping up and maintaining said mill dam. In case the owner or owners of said overflowed lands shall not be a resident or residents of said county, so that the notice aforesaid cannot be given, then and in that case the commissioners aforesaid shall cause a notice to be published in one or more public newspapers of said county, for four successive weeks previous to said meeting, which notice shall specify the time and place of their meeting, and the object of such meeting, particularly describing the land so overflowed, and the name or names of the owner or owners of such land shall be given, if known.

SEC. 3. Any person or persons considering themselves aggrieved by the award of the said commissioners, may appeal within ten days of the time of making such award, to the circuit court of the county of Dodge, in the same manner as is provided by law for appeals from the decisions of the estates of deceased persons. May appeal.

SEC. 4. The decision and award of the said commissioners mentioned in the second section of this act, shall be final unless appealed from as provided for in this act; and the said award shall be filed by the said commissioners in the office of the clerk of the circuit court of the county of Dodge, and shall be and remain a lien upon the lands of the said Delos E. Durkee, his heirs or assigns, until the term of the circuit court of the county of Dode, held next thereafter, when upon motion made by any party interested therein, a judgment may be entered up, and execution issue, to the same effect and in the same manner as judgments are entered and executions issued upon suits of a civil nature commenced and tried in the said circuit court. May appeal from award.

SEC. 5. No suit or proceeding at law or in equity shall be entered against the said Delos E. Durkee, his heirs or assigns, for any damages arising from the overflowing of any lands, by reason of the keeping up and maintaining of said mill dam, after he, his heirs or assigns shall have applied to have commissioners appointed, according to the provisions of this act. No suit to be entered after having applied to appoint commissioners.

SEC. 6. Whenever the said Delos E. Durkee, his heirs or assigns shall have paid and satisfied the judgment or judgments provided for in the fourth section of this act, the right to overflow said lands by means of said mill dam, shall become permanent in the said Delos E. Durkee, his heirs or assigns without any further liability, interference or molestation whatever. Right to overflow lands when judgment is satisfied.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1855.

Chapter 386.

An Act to amend an act approved February 7, 1850, entitled, "An act to amend an act, entitled, an act to incorporate the trustees of the village of Mineral Point, approved January 11, 1844.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. That section four of an act, approved February seventh, eighteen hundred and fifty, entitled, "an act to amend an act, entitled, "an act to incorporate the trustees of the village of Mineral Point," approved January eleventh, eighteen hundred and forty-four, be and the same is hereby amended so as to read as follows, to wit: If a majority of the legal voters of said village, shall at any such election, determine to raise a tax or sum of money for village purposes in the manner before specified, then the trustees of said village shall have power to levy a tax on all property subject to taxation in said village, sufficient to make the amount to be raised, which said tax shall be hereafter levied, assessed and collected at the times and in the manner prescribed by the act of incorporation of said village, approved January eleventh, eighteen hundred and forty-four, for the assessment, levy and collection of taxes for the said year of eighteen hundred and forty-four.

Approved April 2, 1855.

Chapter 387.

An Act to incorporate the "Stillwater Ferry Company."

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Corporators. SECTION 1. That Isaac Staples, John McKusick, Christopher Carli, Elias McKean, Jonathan E. McKusick, and Albert Harris, and their associates, successors and assigns, be and they are hereby created and constituted a body corporate and politic, for the purposes hereinafter men-

tioned, by the name of the "Stillwater Ferry Company," for the term of ten years, and by that name they and their successors shall be and they are hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered in any court of record or elsewhere, and to purchase and hold any estate, real, personal or mixed, and the same to grant, sell, lease, mortgage or otherwise dispose of for the benefit of said company, to devise and keep a common seal, and to alter, renew or change the same at pleasure, to make and enforce any by-laws not contrary to the constitution and laws of the United States, or of this state. Title.

SEC. 2. That the said corporation is hereby vested with the exclusive right and privilege for the period of ten years, of keeping and maintaining a ferry across the Lake Saint Croix, in the county of Saint Croix, and state of Wisconsin, on section number twenty-seven, township number thirty, north of range number twenty, west, and no other ferry shall be established within one mile from the bounds of said section number twenty-seven. May keep a ferry.

SEC. 3. That the capital stock of said company shall be three thousand dollars, with the right and privilege of increasing the same to the sum of ten thousand dollars, and shall be divided into shares of one hundred dollars each. Which stock is to be owned by the corporators above named, or their successors and assigns, in the proportions and manner agreed upon by said company, or as directed by the rules, regulations and by-laws of said corporation. Capital stock.

SEC. 4. The said corporators herein before mentioned, shall have power to elect from their own number such officers, trustees or directors, as they may deem necessary for the successful management and operation of said corporation, in pursuance to their by laws and regulations. Power to elect officers.

SEC. 5. That if the said corporators shall not organize and be in readiness to perform their duties as herein required, within six months from the date of the passage of this act, then this act shall be void. When to organize.

SEC. 6. The said company shall at all times keep a safe and good boat, or boats, in repair, sufficient for the accommodation of all persons wishing to cross the lake St. Croix at said ferry; and shall give prompt and ready attendance on passengers or teams on all occasions, and at all hours, both night or day: but persons wishing to cross at said ferry in the night time, may be charged double the fare Shall keep good boats.

as hereinafter prescribed: *And provided further*, That the said company shall not be required or compelled to cross at said ferry when the said Lake Saint Croix is so rough as to endanger life or property, or when ice shall render it unsafe or impracticable to cross.

Rates.

SEC. 7. The rates charged for crossing at the above ferry shall not exceed the following, viz: For each foot passenger, fifteen cents; for each horse, mare, gelding, mule or ass, with or without a rider, fifty cents; for each two horse or two ox team, loaded or unloaded, with a driver, one dollar; for each single horse carriage, sixty cents, for each additional cow or ox, twelve and a half cents; for each swine or sheep, five cents. All freight of merchandize or other articles not with or in teams, at the rate of ten cents per bbl., and ten cents for cwt. of all other articles.

To file a bond.

SEC 8. The said corporators shall within six months after the passage of this act, file or cause to be filed with the clerk of the board of supervisors of the county of St. Croix and state of Wisconsin, a bond to the people of this state, in the penal sum of one thousaad dollars, with sufficient sureties, to be approved by the board, conditioned that they will fullfil all the duties that are imposed upon them, in the foregoing sections; and in case of their failure or neglect so to do, shall forfeit all the benefits that might have accrued to them from its passage.

Forfeiture in case of neglect.

SEC. 9. For every neglect in keeping good and sufficient boats, [books] or failure to give prompt and due attention and attendance the said company shall forfeit a sum not exceeding twenty dollars, to be recovered by an action of debt, before any court having competent jurisdiction, and shall be further liable in an action on the case for all damages any person shall sustain by reason of the neglect of said company to fulfil any of the duties imposed by this act.

SEC. 10. Any person who shall sustain any injury by the negligence or default of said company, or of the ferryman in its employ, may have a remedy by an action upon the bond required in this act.

SEC. 11. This act to take effect from and after its passage.

Approved April 2, 1855.

Chapter 388.

An Act to require the Board of Supervisors of Calumet County to audit and settle the accounts of William Paulsen against said County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county board of supervisors of Calumet county is hereby required to audit and pay the legal claims of William Paulsen for services as commissioner for the erection of public buildings in said county; and also the sum of one hundred and fifteen dollars and thirty two cents ($115 32) for his costs and expenses in case of the writ of mandamus, lately brought before the circuit court of the circuit in which said county is situated, to compel the said county board of supervisors to comply with the act under which said Paulsen was appointed commissioner. Shall audit certain claims.

SEC. 2. This act shall take effect and be in force from and after its passnge.

Approved April 2, 1855.

Chapter 389.

An Act to repeal chapter 106 of the private and local laws of 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act to authorize the supervisors of a certain town to discontinue a road therein named, approved March 22, 1853, is hereby repealed. To repeal

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1855.

Chapter 390.

An Act to lay out a state road.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. David S. Crandall, Philip Franks, and Francis Sayer are hereby appointed commissioners to lay out a state road from Green Bay to a point at or near Crandall & Bradge's saw mills. Said commissioners, or a majority of them, shall have full power to lay out said road.

Compensation.

SEC. 2. The said commissioners shall receive the sum of two dollars and fifty cents for every day spent in laying out said road, to be paid by the counties through which the said road will pass.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1825.

Chapter 391.

An Act authorizing Francis M. Rublee to construct a wharf or dock.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May construct a wharf.

SECTION 1. Francis M. Rublee is hereby authorized to construct a wharf or dock at the foot of State street, in the village of La Crosse, of the full width of said street, and extending into the Mississippi river as far as may be necessary to make a good and safe landing for steamboats, and the convenient and safe landing of passengers and goods at the time of low water in said river, and of such height as he may deem necessary.

Privileges to village of La Crosse.

SEC. 2. Said Francis M. Rublee, his heirs and assigns, shall have the sole right to said wharf or dock, and the use thereof, except that the town and village of La Crosse shall be allowed to land upon and ship from said wharf or dock any of the corporation property, and allow the same to remain thereon for a reasonable length of time.

SEC. 3. The said wharf or dock shall not be so constructed as to obstruct the said street at or beyond the crossing of Front street; and the fee of said wharf or dock is hereby declared to be forever in the said Francis M. Rublee, his heirs and assigns. Shall not obstruct a certain street.

SEC. 4. This act shall take effect from and after its passage.

Approved April 2, 1825.

Chapter 392.

An Act to amend Chapter one hundred and twenty-six of the Session Laws of one thousand eight hundred and fifty-two.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and twenty six of the session laws of the year of our Lord one thousand eight hundred and fifty-two is hereby amended so as to read as follows, viz: The capital stock of said company shall be thirty five hundred dollars, with power to increase the same to five thousand dollars, and be divided into shares of twenty-five dolars each, and each share shall be entitled to one vote in the election of officers, and in the business of said company, when votes are necessary to be taken. Amendment.

SEC. 2. Section six of said chapter is hereby amended so as to read as follows, viz: The said company shall have power, after the completion of said bridge, to demand and collect toll for passing the same as follows: For every vehicle drawn by four horses, oxen, mules, or other animals, thirty cents; for every vehicle drawn by two horses, oxen, mules, or other animals, twenty-five cents, and for each additional horse, ox, mule, or other animal, five cents; for every vehicle drawn by one horse, ox, or mule, twenty cents; for horses, cattle or mules in droves of twelve or more three cents each, and for a less number five cents each, whether in droves or not; for sheep and swine one cent each, and for each foot passenger five cents. Amendment.

SEC. 3. This act shall take effect from and after the passage thereof.

Approved April 2, 1855.

Chapter 393.

An act to incorporate the Saint Louis Bay Transportation Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. D. A. Robinson, Nelson Dewey, Benjamin Allen, George R. Stuntz, and Robert Nossinger, and such other persons as shall associate with them for that purpose, are hereby made and constituted a body corporate and Title. politic, by the name and style of the Saint Louis Bay Transportation company, with perpetual succession, and by that name shall be capable in law, of taking, purchasing, holding, leasing and conveying estates and property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no farther; and in their corporate name may sue and be sued, plead and be impleaded, answer and be answered, and in case of judgment against them, they shall pay full costs; may have a common seal, which they may alter or renew at pleasure, and may have and exercise all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are hereinafter set forth.

Capital Stock. SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, with the privilege to the stockholders of increasing the same as they may deem advisable, to a sum not exceeding fifty thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be transferable on the books of said company, in such manner as the by-laws shall direct.

Directors. SEC. 3. Nelson Dewey, Benjamin Allen, George Stuntz, shall be the first directors of the said Saint Louis Bay Transportation company, and the stockholders may increase the number of directors, not exceeding nine in all, to be elected by ballot by the stockholders of said com- Proviso. pany: *Provided*, That no person shall be a director except he be a stockholder in said company; and at the first meeting they shall elect by ballot one of their number president, and a majority of said directors shall be competent to manage the affairs of said company. Such first meeting shall be held at a time and place to be fixed by a

written agreement, to be signed by all of the said first mentioned directors, or a majority of them.

SEC. 4. The directors of said company may open books to receive subscriptions to the capital stock of said company, at such time and places as they may appoint, and shall receive such subscriptions under such regulations as they may adopt for that purpose, and said company may commence business whenever one thousand dollars of said stock shall have been subscribed and five per cent. of said subscription actually paid in. Directors to open books.

SEC. 5. A general meeting of the stockholders of said company shall be holden annually, at the time and place to be appointed for the election of directors, and a meeting may be called at any other time by the directors, or by the stockholders owning not less than one fourth of the stock, by giving thirty days public notice of the time and place of such meeting, in a newspaper printed in the county of Saint Croix, or in the county in which the business is carried on; and if, at any meeting thus called, the stockholders holding a majority of the stock are not present in person or by proxy, such meeting shall be ajourned from day to day, not exceeding three days, without transacting any business; and if, within said three days, stockholders having a majority of the stock do not attend in person or by proxy, the said meeting shall be dissolved; and in case it shall at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the corporation shall not for that cause be dissolved, but such election may be subsequently made, and the directors previously chosen shall hold their office until such election shall be made. General meeting.

SEC. 6. The said company hereby incorporated shall have power and authority to keep and maintain a transportation line from Wisconsin Point, in section 28, township forty-nine (49,) north, of range thirteen (13,) west, to any point or points that said company may select in sections 19 and 29 in said town and range, and to Superior City, and to any other point upon the west side of the Bay, and also to some point the said company may select on the Minnesota side of the Bay. And for that purpose they may keep such boat or boats as they may from time to time deem most advisable, to be propelled by steam or otherwise, to transport, take and convey property and persons upon said boat or boats. Power granted

May receive toll.

SEC. 7. The said company shall have full power and authority to ask for, demand, recover and take the tolls or dues, to and for their own proper use and benefit, on goods, merchandize, property and passengers, transported on their said boat or boats, and for the storage and wharfage on the same; and they shall have power to regulate the time and manner in which goods, property, merchandize or persons shall be taken, transported and carried by them, as well as the manner of collecting all tolls and dues on account of transportation, carriage or storage, and have full power to erect and maintain toll houses, and other buildings, for the accommodation and proper transportation of their business, as to them may seem necessary.

Transfer of stock.

SEC. 8. She president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfer of the stock in said company, and to pass all by-laws which may be necessary for carrying into execution all the power vested in the company hereby incorporated: *Provided*, such by-laws shall not conflict with the laws of the United States nor this state.

Proviso.

Management.

SEC. 9. The directors, or a majority of them, shall have full power to conduct the affairs of said company, and to exercise any power which said company might exercise, subject, however, to such rules, regulations and directions as the stockholders may adopt at any annual meeting or special meeting, called pursuant to this act, or the by-laws, and the said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money, of any person or persons, corporation or body politic, of any kind and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, and to make and execute and deliver all necessary writings, notes, bonds, mortgages or other papers and securities, in amount and kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any such liabilities that it may incur in its corporate business; and the same are hereby ratified and confirmed, and contracts and official act of said company are declared binding in law and equity with all persons to such contracts.

SEC. 10. This act shall take effect immediately after its passage.

Approved April 2, 1855.

Chapter 394.

An Act to lay out a State Road from Freemont, Waupacca County, to Stevens' Point, in Portage County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. E. L. Brown, Peter Grover and A. B. Crosby, are hereby appointed commissioners to lay out and establish a state road from Freemont, via Waupacca Falls and Peter Grover's farm to Stevens' Point in Portage county. Commissioners.

SEC. 2. A majority of said commissioners shall be sufficient to establish said road, and the counties through which the same shall be laid out and established shall pay the expenses of the same. Expenses.

SEC. 3. The act shall take effect and be in force from and after its passage.

Approved April 2, 1855.

Chapter 395.

An Act to amend the act incorporating the Mineral Point Railroad Company

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the Mineral Point railroad company, in such manner and form as the directors of said company shall approve, to receive, take and hold, by gift, grant, devise, purchase or subscription, for the capital stock of said company, any land, town lots or other estate, real, personal or mixed, and to convey a fee simple or any less estate in the same, and to apply the same, or the proceeds thereof, to the construction, use and management of said railroad and its appurtenances. Amendment.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1855.

Chapter 396.

An Act to amend an act entitled an act to amend an act entitled an act to incorporate the Watertown and Berlin Railroad Company, approved February 11th, 1853, being chapter 138 of the Local Laws of 1853, and approved March 29, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. The act entitled an act to incorporate the Watertown and Berlin railroad company, approved February 11th, 1853, and the act amendatory thereof, entitled an act to amend an act entitled an act to incorporate the Watertown and Berlin Railroad Company, approved March 29th, 1853, being of the private and local laws of 1853, are hereby severally amended so that the first section of the amendatory act shall read as follows: The Watertown and Berlin railroad company, created by an act entitled "An act to incorporate the Watertown and Berlin Railroad Company," approved February 11th, 1853, shall be and the same is hereby declared a body politic and corporate, and shall have all the powers as such set forth in its charter

Directors. and act of incorporation aforesaid; and Wm. M. Dennis, Patrick Rogan, Clark Lawton, Samuel L. Rose, Robert V. Bogert, William Farrington, Walter D. McIndoe, N. M. Donaldson and Daniel Jones, be and they are hereby appointed the first directors of the said railroad company; and as such are hereby clothed with all the powers of the said act of incorporation, and shall contiue to exercise the same until the first Wednesday in February next, and until others are elected in their stead. The first meeting of said board shall be held at such time and place as any six of the said directors shall agree upon.

Amendment. SEC. 2. Section three of the amendatory act hereby amended is amended so as to read as follows: No directors of said company shall have further powers as directors after the first meeting, until he shall become a subscriber to the stock of said company, and the remainder of said section three is repealed.

To repeal. SEC. 3. All the provisions of the original and amendatory acts aforesaid, which confiict with the provisions of this act are hereby repealed; so much of the original act aforesaid as fixes the particular points in said road between

Watertown and Berlin, in said road, is also repealed; and the said company may make such change in the northern terminus of the road as the true interests of said company may seem to the directors to require, and for this purpose said company may extend and construct their line of road to Stevens' Point, in Portage county, not passing westerly of Montello, or easterly of St. Maria on Fox river.

Approved April 2, 1855.

Chapter 397.

An Act to amend an act entitled an act to set apart and incorporate the county of Door, approved February 11, 1851, and to attach the same to the county of Brown for judicial purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county of Door as designated and described in the act to which this is amendatory, is hereby detached from the county of Manitowoc and attached to the county of Brown for judicial purposes. Attached for judicial purposes.

SEC. 2. Said county of Door shall pay to the county of Brown annually, all expenses incurred by said county of Brown, in transacting the legal business either civil or criminal of the said county of Door, and the amount so paid shall not be less than fifty dollars per annum, and such sum or sums of money may be sued for and collected from the county of Door by the supervisors of the county of Brown, in an action of debt in any court of competent jurisdiction. And if the said county of Door shall be in arreas to said county of Manitowoc, any expenses incurred by said county of Manitowoc, in transacting the legal business either civil or criminal, of the said county of Door, while attached for judicial purposes to said county of Manitowoc, then and in that case the said county of Door shall pay such arrearages to said county of Manitowoc, the account of such arrearages to be stated by the clerk of the respective boards of supervisors of said counties, acting jointly, and the amount stated to be due on such accounting, shall be paid to the said county of Manitowoc, County of Door to pay expenses incurred.

May recover in action of debt.

and if not promptly paid by the said county of Door, the said amount may be recovered by the supervisors of said county of Manitowoc against the said county of Door, in an action of debt or assumpsit, in any court of competent jurisdiction. And if any such arrearages are claimed by said county of Manitowoc, then the clerk of the board of supervisors of the said county of Door, and the clerk of the board of supervisors of said county of Manitowoc, shall meet and state the account as above provided.

To procure all instruments filed in Manitowoc county concerning Door.

SEC. 3. The register of deeds (under the direction of the supervisors of said county of Door,) when elected and qualified, is hereby authorized to procure from the office of register of deeds, of Manitowoc county, copies of all deeds, mortgages, assignments, satisfactions, bonds, contracts and all other instruments filed or recorded in his office, which may, in any way, effect the title to any land or lands lying and being situated in said county of Door, and the expenses of transcribing said records shall be paid by the said county of Door.

Jurisdiction extended.

SEC. 4. The jurisdiction of the several courts of the county of Brown, is hereby extended for all judicial purposes over the territory embraced in the said county of Door.

No lien to be impaired by change.

SEC. 5. No judgment lien now existing on any real estate within the limits of the county of Door, shall lapse or be impaired by reason of any change of jurisdiction herein provided.

SEC. 6. All acts and parts of acts contravening the provisions of this are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after the first day of May next.

Approved April 2, 1855.

Chapter 398.

An Act to provide for the appraisal of school lands in the county of Shawano, and granting pre-emption rights thereon.

The people of the state of Wisconsin, represented in Senate and Assembly do enact as follows:

Appraisers.

SECTION 1. Charles D. Wescott and John C. Lewis, of the county of Shawano, are hereby constituted apprais-

ers, for the purpose of appraising the school lands in said county of Shawano, (designated as the sixteenth sections) as hereinafter provided.

Notice of appointment.

SEC. 2. It shall be the duty of the secretary of state, within ten days after the passage of this act, to notify the said appraisers, by letter or otherwise, of their appointment, and to forward them a copy of this act.

Oath of appraisers.

SEC. 3. The appraisers shall, before entering on the duties of their office, take and subscribe an oath or affirmation, to be administered by some proper officer, to support the constitution of the United States and of this state, and faithfully and honestly to discharge the duties devolving upon them as such appraisers, according to the best of their ability, which said oath or affiirmation shall be attacted to their report, to be returned as hereinafter provided.

Appraisers shall make a personal inspection of lands.

SEC. 4. It shall be the duty of the appraisers, after receiving notice as above provided, and after having taken the oath provided in the third section of this act, to proceed to make a personal inspection of all of said school lands in said county, and to appraise the same in forty acre lots, stating the value per acre of each and every lot at a fair valuation, without reference to improvements thereon, and shall also return a particular description of all such improvements, together with the value thereof, and the names of the claimants.

Report.

SEC. 5. After having inspected each and every parcel of said school land, and within six months after their appointment, it shall be the duty of said appraisers to make a full, distinct and correct report to the office of secretary of state, of all of said school lands, in said county, describing them by forty acre divisions, with the value per acre, as estimated by them, of each sub-division; also, an estimate of the improvements on each, as before provided.

Compensation.

SEC. 6. The said appraisers shall be allowed for the services herein required of them, at the rate of four dollars for each section, the payment therefor to be made out of the school fund, upon the certificate of the secretary of state, stating the amount due for such services; but no certificate shall be granted until the appraisers shall have performed all of the duties required of them by this act.

Minimum price.

SEC. 7. The minimum price of such lands shall be the appraied value, together with the cost of appraising, and no part thereof shall be appraised at a less sum than one dollar and twenty-five cents per acre, or sold for a less sum than the minimum price; and actual settlers shall have

the privilege of pre-empting one hundred and sixty acres each, according to the provisions of an act entitled "an act to provide for the sub-division and appraisal of school lands in the counties therein named, and granting pre-emption rights therein named"—approved March 15, 1852.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 2, 1855.

Chapter 399.

An Act to provide for holding a special or law term of the Circuit Court, in Walworth County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Law term.

SECTION 1. A law term of the circuit court shall annually be held in the county of Walworth on the first Tuesday of January.

May hear and determine civil cases.

SEC. 2. At such law terms above designated the court may hear and determine all motions and issues of law, in civil cases, and all causes, questions, matters or proceedings in equity or at law in civil cases, not requiring a trial or inquest by jury. All mesne or final process, or other proceedings in civil cases, required by law to be made returnable at the next term of the circuit court, shall be deemed to be returnable at any such law term, whenever it shall be the term first holden after the issuing of such process, or the instituting of such proceedings. And such law terms shall be deemed and held to be regular terms for all purposes not expressly excepted by this act, and all judgments, orders or decrees rendered or made thereat shall be as valid and effectual as if rendered or made at any other time.

No jury shall be summoned, &c.

SEC. 3. No grand or petit jury shall be summoned for any such law term, and no criminal cases or matters shall be determined, argued or heard, or any trial or inquest by jury be had or taken at such term. All recognizances, process or proceedings in criminal cases, (except final process to collect a fine, penalty or costs,) made returnable

at the next term of the circuit court, and all continuances therein to the next term shall be deemed to be returnable at, or continuances to the next jury term whether specially expressed or not.

SEC. 4. This act shall be published with the laws of a general nature, and shall take effect from its passage and publication.

Approved April 2, 1855.

Chapter 400.

An Act to amend an act entitled "an act to provide for the payment of mortgages on canal lands and the discharge thereof—approved April 2, 1853."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act to which this is amendatory, shall be so amended as to extend the time of payment to the first day of September, A. D. eighteen hunpred and fifty-five, upon the payment to the treasurer the amount mentioned in said act, with interest from the first day of January, A. D. eighteen hundred and fifty-four, at the rate of seven per centum per annum. Amendment.

Approved April 2, 1855.

INDEX.

INDEX.

A.

ADAMS COUNTY—to organize certain towns, 271

AMENDMENTS—to Racine city charter, 10

to Packwaukee bridge company charter, 12

to Sheboygan and Calumet plank road company charter, 12

to Manitowoc " " " " " 22

to Portage City and Lake Superior railroad company charter, 23

to Sheboygan city charter, 34

to Symphony college charter, 52

to Milwaukee aud Mississippi railroad charter, 75

to Female normal institute and high school charter, 82

to Beloit female seminary charter, 88

to South Line and Wausau plank road company charter, 89

to Chapter 32 of this volume, 91

to Milwaukee city charter, 566, 567, 320, 239, 92

to Swedes iron company charter, 94

to Green Bay and Lake Superior railroad company charter, 96

to Fond du Lac city charter, 105, 97

to Milwaukee Merchants Mutual insurance company charter. 100

to Howard, Oconto, and Menomonee plank road, gravel road company, charter, 105

to Appleton village charter, 110

to Chapter 27 of this volume, 165

to Portage City and Lake Superior railroad charter, 166

AMENDMENTS—to Kenosha and Beloit railroad charter, 195
to Manitowoc and Mississippi railroad charter, 200
to Green Bay and Depere plank road charter, 272
to Rountree mining company charter, 277
to Watertown city charter, 284
to Black River Falls boom company charter, 298
to Dodge County Fire and Marine insurance company charter, 308
to Menasha village charter, 334
to State road act, 373
to Ft. Winnebago, B. V. and Minn. railroad charter, 373
to Platteville charter, 378
to Wis. Lumberman's Fire and Marine insurance company charter, 381
to Southport and Beloit road charter, 382
to Janesville city charter, 340, 385
to Watertown, Hubbellville and Waterloo plank road charter, 386
to An act authorizing towns to aid the Milwaukee and Fond du Lac railroad, 402
to Chapter 124 of this volume, 406
to Manitowoc and Calumet plank road charter, 422
to Racine city charter, 451
to Milwaukee and Horicon railroad charter, 549
to Mineral Point village charter, 586
to Chapter 126 laws of 1852, 539, 591
to Green Bay city charter, 210
to Sheboygan and Mississippi railroad charter, 212
to North-western iron company charter, 214
to Lawrence institute charter, 222
to Chapter 37 of this volume, 339
to Mineral Point railroad charter, 595
to Watertown and Berlin railroad charter, 596
to Appleton village charter, 535
to Kenosha city charter, 543
to Wisconsin Home insurance company charter, 563
to An act relating to village of Madison, 565
to Calamine and Mississippi railroad charter, 566
to Mississippi and St. Croix Valley railroad charter, 576

ARLINGTON—to organize town of, 317

ASSESSMENTS—to provide for new assessment in Benton, 35
to extend time of making returns in Portage county, 208

B.

BARABOO—to authorize town to aid in constructing court house, 49

BEAVER DAM—act authorizing Presbyterian Church to borrow money, 515

BELOIT—to vacate a street, 520
to authorize town to bridge Rock River, 520

BOOMS—to allow Paul McDonald to build a boom, 380
to allow F. B. Gardner " " 548
to allow John H. Knapp " " 218

BRIDGES—to allow Geo. Divoll and others to bridge Black River, Jackson county, 131
to allow Geo. Divoll and others to bridge Black river in Clark Co. 133
to allow town of Fredonia to bridge Milwaukee river, 225
to allow J. Spaulding and others, to bridge Black river, 270
to allow Robert Douglass to bridge Black river, 278
to allow C. P. Bennett and others to bridge Fox river, 452
to allow town of Beloit to bridge Rock river, 520
to allow trustees in Sauk City to bridge Wisconsin river, 553

C.

CALUMET COUNTY—to pay debt to Wm. Paulson, 589

CANAL LANDS—to provide for payment of mortgages, &c, 601

CHAMBERS' ISLAND—to constitute election district, 235

CHARTERS—Madison Gas Light and Coke Co., 7
to amend Racine City charter, 10
to amend Packwaukee Bridge Co.'s charter 12
to amend Sheboygan and Calumet P. R. Co.'s charter, 12
Wisconsin Female College, 16
to amend Manitowoc and Calumet P. R. Co.'s charter, 22
to amend Portage City and Lake Superior R. R. Co.'s charter, 23
Wisconsin Baptist Education Society, 23

CHARTERS—Wayland University, 24
Howard and Oconto plank road, 26
to amend Sheboygan city charter, 34
Salem Academy, 38
Janesville collegiate institute, 40
Brockway college, 47
to amend Symphony college charter, 52
Madison school district, 55
Appleton manufacturing and water power company, 61
Sheboygan Lake turnpike and bridge company, 65
Milwaukee gymnastic association, 68
Beloit gas light and coke company, 73
to amend Milwaukee and Miss. R. R. charter, 75
to amend female normal institute and high school charter, 82
to amend Beloit female seminary charter, 88
to amend South Line and Wausau P. R. Co. charter, 89
to amend Milwaukee city charter, 92
to amend Sweedes' iron company charter, 94
Wisconsin natural history association, 95
to amend Green Bay and Lake Superior R. R. Co. charter, 96
to amend Fond du Lac city charter, 97
Young men's institute, Portage City 99
to amend Milwaukee mechanics' mutual insurance company, 100
Hesperian society, University of Wisconsin, 103
to amend Howard, Oconto and Menominee plank and gravel road charter, 105
Racine gas light company, 106
Big Foot academy, 112
Portage City and Newport P. R. company, 113
Waukesha female seminary, 120
Wisconsin lard oil company, 125
Afton manufacturing company, 127
Columbus collegiate institute, 134
Kenosha female seminary, 137
La Crosse and Black River Falls R. R. company, 139
Viroqua hydraulic company, 152

CHARTERS—Fond du Lac gas light company, 150
Wisconsin patent rotary pump manufacturing company, 158
Ogdensburgh university, 162
Oconto boom company, 164
to amend Portage City and Lake Superior R. R. company, charter, 166
Wildwood cemetery, 176
Milwaukee patent brick company, 182
Prairie du Chien bridge company, 187
Norwegian mutual clerical society, 194
to amend Kenosha and Beloit railroad company charter, 195
to amend Manitowoc and Miss. railroad company charter, 200
Beloit car manufactory, 201
Mineral Point seminary, 233
Wisconsin teachers association, 238
to amend Milwaukee city charter, 566, 567, 320, 239
Richland City, Richmond and West Line P. R., 242
Sheboygan City gas light company, 248
Outagamie and Shawano P. R. company, 251
Stevens' Point academy, 258
Wisconsin state telegraph company, 264
to amend Green Bay and Depere plank road company charter, 272
Lake Superior mining company, 274
Jamestown mining company, 276
amend Rountree mining company, 277
Devil or East River booming company, 279
amend Watertown city, 284
Watertown musical society, 296
amend Black River Falls boom company, 293
Watertown city gas light company, 300
Central bridge company, 303
amend Dodge Co. Fire and Marine insurance company, 308
Franklin Fire and Marine insurance company, 311
Beaver Dam gas light company, 315
Albany academy, 319
Waucoma academy, 326
East and Fox rivers railroad, 324

CHARTERS—amend Menasha village, 334
Outagamie marine, fire and life insurance company, 356
Milwaukee and Beloit railroad, 362
amend Ft. Winnebago, B. V. and Minn. railroad, 373
amend Platteville, 378
Illinois and Wisconsin mining and manufacturing company, 379
amend Wisconsin lumberman's fire and marine insurance company, 381
amend Southport and Beloit road, 382
amend Janesville city, 340, 385
amend Watertown, Hubbellville and Waterloo plank road, 386
Horicon village, 387
Jefferson Co. Home mutual insurance company, 396
Jefferson institute, 407
Rochester seminary and collegiate institute, 409
Sugar River Valley railroad, 413
amend Manitowoc and Calumet plank road, 422
Beaver Dam hydraulic company, 423
North-western mining and smelting company, 428
Portage bridge company, 431
Burlington village, 433
amend Racine city, 451
Howard village, 453
Monteville and Black River railroad, 464
Fond du Lac and Lake Superior railroad, 473
Milwaukee Ladies' Society, 482
Milwaukee concert hall association, 483
Beaver Dam and Baraboo railroad, 493
Madison, Fond du Lac and Lake Michigan railroad, 502
Racine marine and fire insurance company, 511
Wisconsin river hydraulic company, 521
Chippewa river boom company, 524
Horicon academy, 525
Judson female seminary, 546
amend Milwaukee and Horicon railroad, 549
Lake Protestant cemetery, 550
Portage manufaturing company, 552

CHARTERS—Big Della bridge company, 555
Union academy, 557
Palmyra academy, 579
Percival mining company, 581
amend Mineral Point village, 586
Stillwater ferry company, 586
St. Louis Bay transportation company, 592
amend Green Bay city, 210
amend Sheboygan and Mississippi railroad, 212
amend North-western iron company, 214
Janesville manufacturing and hydraulic company, 214
Mount Morris academy, 219
Dodge County iron and steel manufacturing company, 221
amend Lawrence university, 222
Sheboygan and Appleton railroad, 347
amend Mineral Point railroad, 595
amend Watertown and Berlin railroad, 596
amend Appleton village, 535
Osceola seminary, 539
amend Kenosha city, 543
Portage gas light and coke company, 544
German school, Milwaukee, 561
amend Wisconsin Home insurance company, 563
amend Calamine and Mississippi railroad, 566
Appleton Hotel company, 571
Prairie du Chien and La Crosse railroad, 576
Milwaukee fire-arms manufacturing company, 573
amend Mississippi and St. Croix Valley railroad, 576

COLUMBIA COUNTY—to organize town of Arlington, 317

D.

DAMS—to allow G. W. Foster to build a dam, 110
to allow S. D. Whitlock, et. als., to build a dam, 185
to allow George Rossman, " " 189
to allow H. F. Belitz, " " 193

DAMS—to amend act for dam on Milwaukee river, 207
to allow T. W. Baker and E. D. Beardsley to build a dam, 229
to allow Ezra Westcott, to build a dam, 230
to allow J. Ten Eyck, " " 273
to allow John M. Crawford, " " 295
to allow John H. Knapp, and others, to build a dam, 333
to allow C. D. Gordon, " " 403
to allow J. L. V. Thomas, " " 462
to allow C. S. Ogden and others, " " 518
to amend an act in regard to certain dams, 550
to allow Joel Bishop to build a dam, 559
to allow D. E. Durkee " " 584

DANE COUNTY—to prevent destruction of fish, 299
to vacate a road, 519
to prevent destruction of game, 577

DARIEN, WALWORTH COUNTY—to aid in building a railroad, 171

DOOR COUNTY—to provide additional election districts, 173
to attach to Brown county for judicial purposes, 597
to organize town of Washington, 270

DOTY, E. P.—to authorize him to keep a flume and water-wheel, 170

DOVER—to vacate part of plat, 184

E.

EDGERTON—to vacate part of plat, 451

F.

FAIRPLAY—to vacate part of, 89

FERRIES—act allowing Stephen Davenport to keep a ferry, 33
act allowing Wm. Isham and others to keep a ferry, 50
act allowing M. Ripley to keep a ferry, 51
act allowing B. Williams and B. Thomas to keep a ferry, 87
act allowing E. M. Booth to keep a ferry, 181

FERRIES—act allowing A. Tainter and others to keep a ferry, 232
act allowing A. Wood to keep a ferry, 318
act allowing Nelson Dewey to keep a ferry, 515
act allowing Isaac Staples to keep a ferry, 586
act allowing John J. Mather to keep a ferry, 209
act allowing John H. Knapp to keep a ferry, 212
act allowing W. B. Gaige to keep a ferry, 338

FULTON CENTRE—to vacate part of plat, 292

G.

GREEN BAY—to authorize city to pay subscription to stock of Green Bay and Depere plankroad, 42
amend charter, 210

GREEN BAY, MILWAUKEE AND CHICAGO RAILROAD—to allow certain towns to aid construction, 519

GREEN BAY AND MINNESOTA RAILROAD—to authorize certain towns and counties to aid construction, 531

H.

HUDSON, WALWORTH COUNTY—to aid in building a railroad, 171

HOUSE OF REFUGE—an act authorizing, in Milwaukee, 486

J.

JANESVILLE—to allow supervisors to bridge Rock river, 90

JEFFERSON COUNTY—certain towns to aid railroad, 336

L.

LA CROSSE—to establish grade of certain streets, 526
to allow F. M. Rublee to build a dock, 590
to vacate a part of Adams street, 536

LA CROSSE COUNTY—to locate county seat, 324

La Fayette, Walworth County—to aid in building a railroad, 336, 171

Milwaukee & Mechanics Ins Co 80

M.

Madison—to vacate part of plat, 111
to provide for setting shade trees and killing dogs, 404
to provide for improving roads, 578
act in regard to village, 565

Magnolia—to allow Congregational church to elect trustees, 193

Manitowoc—act to vacate part of town plat, 16
act to authorize construction of county buildings, 381

Marquette County—to organize town of Senaca, 427

Menasha—charter amended, 334

Milwaukee—to vacate part of plat, 226
to amend charter, 320, 92, 239
in regard to tax titles, 261
authorizing house of refuge, 486
authorizing city to aid in construction of waterworks, 528
to vacate plat of "Maitland place," 209
act in regard to musical society and young men's association, 568
to vacate part of plat, 568

Monroe, Green Co.—to attach certain lands to town, 566

N.

Names Changed—of certain lakes and Catfish river, 70
of village of Middledale, Rock county, 71
of part of King street, Madison, 378
of Racine, Janesville and Mississippi railroad, 556
of Muskego Centre, 339

Navigable Streams—act declaring Mumandee River, or Eagle Creek, navigable, 15
act declaring Wolf riv Kewaunee county, navigable, 111
act declaring Sheboygan river navigable, 564

NEENAH—to vacate part of plat, 528

NEWPORT—in regard to village plat, 412
to vacate village plat, 568

O.

OCONOMOWOC—to allow town of, to borrow money, 84

OCONTO COUNTY—to provide additional eelction districts, 178

OSHKOSH—to allow voters of town to vote in city, 176
to vacate part of a street, 564

OUTAGAMIE COUNTY—to regulate elections in, 174

P.

PAULSON, WILLIAM—act for relief of, 589

PENSUCKEE—to provide additional election districts, 173

PIERCE COUNTY—authorized to aid a railroad, 376
to legalize sale of 16th sections, 570

PLATTEVILLE—to vacate part of plat, 51
in regard to highways in town of, 538

R.

RACINE—To allow city to dispose of plank road stock, 402

RAILROADS—to allow the Illinois and Wisconsin and the R. R. V. U. R. R. to consolidate the capital stock, 179

RECORDS—to provide for removal of certain records from Racine to Kenosha county, 124

REGISTER OF DEEDS—to provide for election of, in Ozaukee county, 167

REPEALING ACTS—to repeal act authorizing aid to the construction of the Kenosha and Beloit railroad, 11
to repeal section 12 of an act to aid construction of the Green Bay, Milwaukee and Chicago railroad, 519

REPEALING ACTS—to repeal chapter 106 local laws, 1853, 589
to repeal charter of St. Louis Falls and Nemadji railroad company, 213
to repeal chapter 128 local laws, 1853, 536
to repeal chapter 138 local laws, 1854, 563
RICHLAND CITY—to vacate a street, 170

ROADS—to declare certain roads in Richfield to be highways, 208
to vacate a certain road in Dane county, 519
to provide for improving roads in Madison, 578
General act in regard to, 537
act in regard to, in town of Platteville, 538
act in regard to, on state line, 538

ROCK COUNTY—to allow certain towns to aid a railroad, 148
to prevent destruction of game, 577

RUBLEE, FRANCIS M.—authorized to build dock in La Crosse, 590

S.

SCANDINAVIAN EVANGELICAL LUTHERAN CHURCH—act in relation to, in Milwankee, 11
act in relation to, in Racine, 168

SCHOOL DISTRICTS—to allow district No. 1, Fond du Lac, to raise special tax, 52
to aid district No. 1, Hazle Green, to build school house, 53
to set off village of Madison, as seperate district, 55
to allow district No. 1, town of Shields, to levy tax, 72
to allow district No. 3, town of Lancaster, to levy tax, 93
to relieve district No. 5, town of Veroqua, 103
to relieve district No. 6, town of Magnolia, 109
to allow district No. 4, town of Sullivan, to raise tax, 122
to relieve district No. 1, city of Kenosha, 150
to relieve district No. 2, town of Oak Grove, 175
to relieve district No. 1, town of Metomon, 190
to allow district No. 1, town of Neenah, to borrow money, 191
to legalize district No. 6, town of Neshona, 192

SCHOOL DISTRICTS—to legalize acts of district No. 1, town of Richland, 205
to allow district No. 5, city of Watertown, to levy a tax, 294
to allow district No. 7, town of Oak Grove, to levy a tax, 308
to allow district No. 1, town of Verona, to levy tax, 314
to allow district No. 2, town of Beloit, to levy tax, 407
to allow district No. 4, town of Exeter, to levy tax, 412
to allow district No. 1, town of Waukesha, to borrow money, 557
to allow district No. 2, town of Springvale, to receive public money, 218

SCHOOL LANDS— to relieve owner of certificate No. 88, 292
to provide for appraisal in Shawano county, 598

SCOTT, GEO. E.—to provide relief of, 169

SENECA—to organize town of, 427

SHARON, WALWORTH COUNTY—to aid in building railroad, 171

SHAWANO COUNTY—to provide for appraisal of school lands, 598
to provide for removing county seat, 569

SHEBOYGAN—to allow city to borrow money, 84
to allow city to aid in building a railroad, 288

SHERIFF AND DISTRICT ATTORNEY—to provide for election of, in Washington county, 167

SHULLSBURGH—to vacate certain alleys in, 160
to vacate street in, 310

SPECIAL ASSESSORS—act to provide for, in city of Racine, 151

STATE ROADS—from Fountain City to Chippewa Falls, 14
from Herman to Menasha, 14
from Section 3 to Chippewa Falls, 36
from Galesville to Eaton's Mills, 37
therein described, 45
from Richland City to Newport, 53
from Waupacca to Yellow River, 70
from Weyauwega to Wausau, 90
from Appleton to Great Bend, 120

STATE ROADS—from Sextonville to Viroqua, 124
from Neshkora to Grand Rapids, 131
from Depere to Twin Rivers, 135
from Mentello to Gill's Landing, 137
from Portage City to Packwaukee, 151
from Wisconsin to Packwaukee, 161
from Arena to Bald Bluff, 169
from Potosi to Richland Centre, 174
from Brookville to Chippewa Falls, 184
from Winneconne to Stevens' Point, 192
from Portland to Chester, 199
from Richmond to Black River Falls, 206
from "a point" to Wautoma, 207
from Milwaukee to Port Washington, 225
from Berlin to New London, &c., 227
from Humbolt to Saukville, 228
from Columbus to Waterloo, 229
from Portage to La Crosse, 231
from Wausau to Shawano Mills, 257
from Shawano Mills to State Line, 257
from Lake Pepin to Lake Superior, 267
from Grand Lake Rapids to Poyagan, 268
from Gill's Landing to Stevens' Point, 268
from Black River Falls to Chippewa Falls, 269
from Stevens' Point to Chippewa Falls, 269
from Dayton to State Line, 294
from Montello to Stevens' Point, 296
from Bloomfield to Linn, 302
from Ozaukee to Holland, 335
from Magnolia to Argyle, 335
from Fennimore to Richland City, 371
from Farwell's Mills to parts unknown, 374
from Reedsburgh to La Crosse, 375
from Montello to Stevens' Point, 380
from Sparta to Lisbon, 384
from Mauston to Billings' Ferry, 385

STATE ROADS—from Stevens' Point to Black River, 401
on line between ranges 21 and 22, 408
from Cottage Inn to Platteville, 409
from Chilton to Calumet, 423
from Germantown to Western's Mills, 427
from Token Creek to Columbus, 517
from Viroqua to Victory, 559
from Jacksonville to Newport, 580
from Green Bay to Crandall and Badger Mills, 590
from Muscoda to Town 2, Range 1 East, 210
from Newport to Sextonville, 211
therein described, 224
from Appleton to Shawano Mills, 224
from Fremont to Stevens' Point, 595
from Dekora to West Point, 520
in Douglass and La Pointe counties, 543

SUGAR CREEK, WALWORTH COUNTY—to aid in building railroad, 336, 171

T.

TAXES—To extend time of collecting in Brookfield, 9
" " " Oconto county, 9
" " " Beloit, 9
" " " Highland, 12
to authorize a special tax in Watertown, 13
to extend time of collecting in Wauwatosa, 18
" " " Kenosha, 18
" " " Waukesha, 19
" " " Viroqua, 19
" " " Beaver Dam, 20
" " " Janesville, 21
" " " Madison, 22
to provide for special assessment, &c., in Lewiston, 20
" " " Benton, 35
to extend time of collecting in Leon, 45

TAXES—to authorize school district No. 1, Fond du Lac, to raise special tax, 52
to extend time of collecting in Mineral Point, 72
" " " Pierce county, 74
" " " Howard, Oconto county, 119
to authorize special tax in city of Portage, 227
to authorize collecting tax in Willow Springs, 259
" " " Polk county, 1854, 310
to authorize special tax in Milwaukee, 2nd ward, 372
" " " " 5th ward, 401
" " " Dodgeville, 411
to authorize collecting tax in Maple Grove, 432
to authorize additional road tax in Ashford, 253

TAX TITLES—in regard to, in Milwaukee, 261

W.

WALWORTH COUNTY—to allow certain towns to aid in building a railroad, 148
Special term of circuit court, 600
certain towns to aid railroad, 336

WASHINGTON—to organize town of, 270

WATERTOWN—to vacate part of plat, 68
to allow city to loan its credit, 305, 281
to amend charter, 284

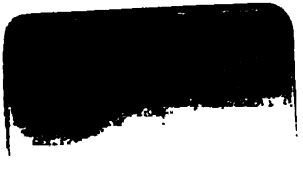
WAUKESHA COUNTY—to prevent destruction of game, 577

WAUPACCA COUNTY—to provide for removing county seat, 236

WHITE, HORACE—to plat and sell certain lands in Beloit, 293

WILLIAMS, JOHN H.—act for relief of, 161

WINNEBAGO COUNTY—to allow county board to issue bonds for certain uses, 60
in regard to county buildings, 232

WISCONSIN, VILLAGE OF—to legalize plat, 563

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